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BY LEE SIEGEL

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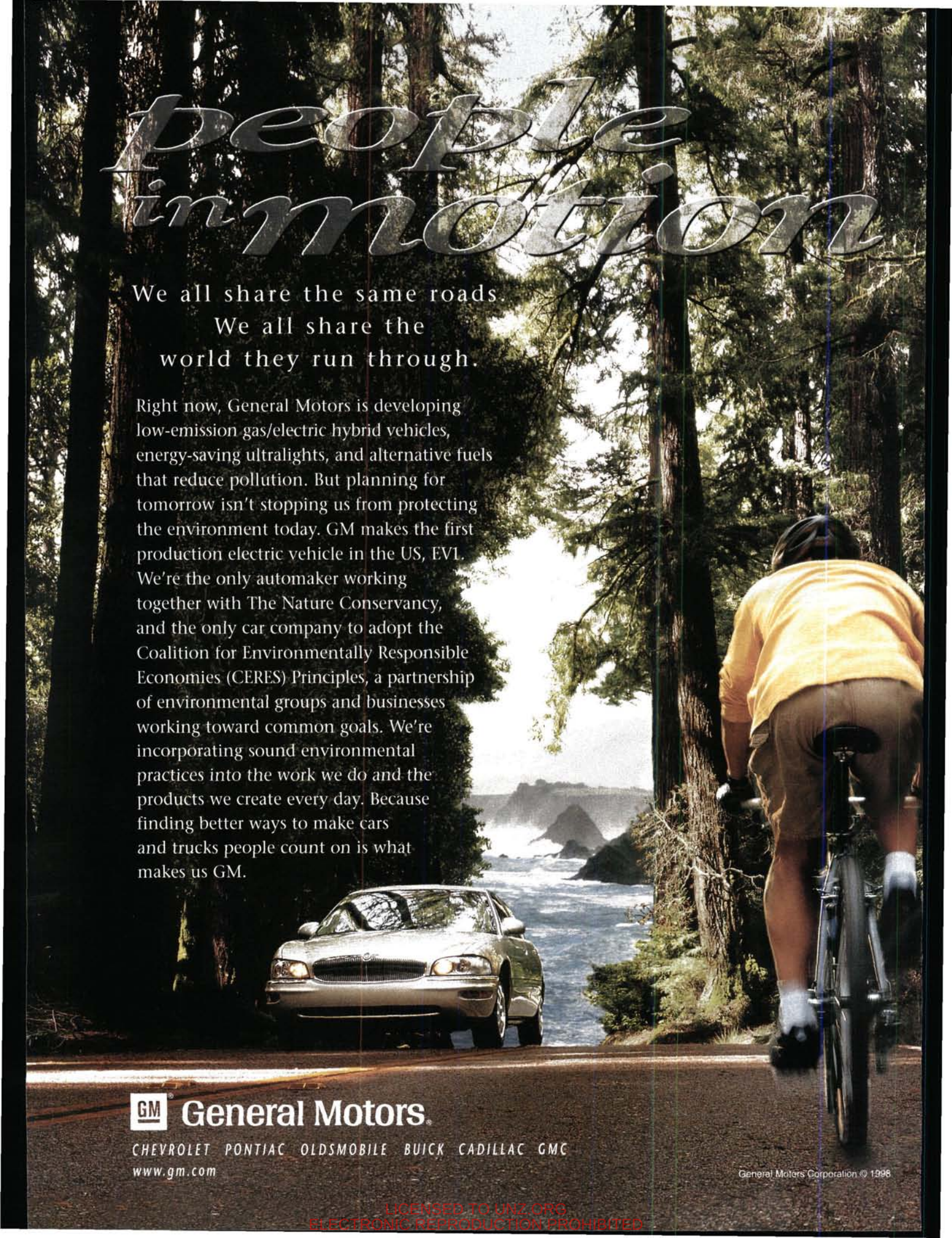
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NOVEMBER 9, 1998

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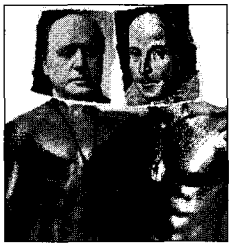

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CORRESPONDENCE

Historically incorrect

To the editors:

In his Washington Diarist, Jacob Heilbrunn attacks Yale University Press's decision not to offer Vladimir Brovkin the position of American editor for a sequence of books on the Soviet Gulag ("Historical Correctness," October 12). This project is part of the press's Annals of Communism series, a large-scale collaborative undertaking with the archives of the former Soviet Union begun in 1992. Its purpose is to produce a documentary history of Soviet communism from the 1917 revolution to the demise of the system in 1991. Each volume publishes a significant number of documents from the formerly closed archives, and each is edited by an American scholar and a Russian scholar working together.

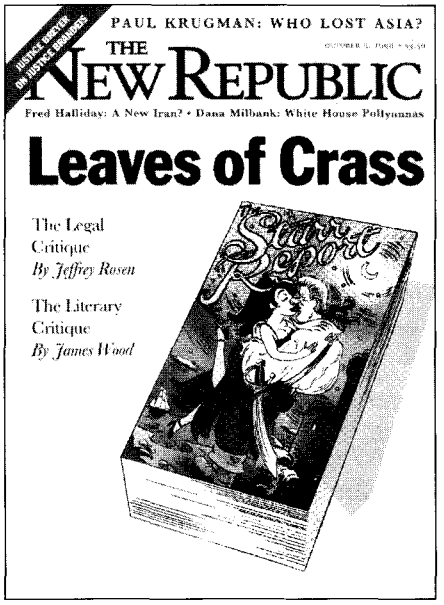
An editorial advisory committee for the Annals series comprises 17 American scholars and twelve Russian scholars and archivists. Before any new project can be added, a proposal is circulated to the American advisory committee for comment and approval. When the manuscript is finished it goes through the normal rigorous process of university press peer review. Often as many as three to five outside readings of a given manuscript are obtained before we decide to publish.

To date, there are six published Annals volumes: *The Last Diary of Tsaritsa Alexandra*, *The Fall of the Romanovs*, *The Unknown Lenin*, *Stalin's Letters to Molotov*, *The Secret World of American Communism*, and, most recently, *The Soviet World of American Communism*. All these works, though frequently controversial and subjected to partisan attack, have been well-received by readers on both the left and the right. William F. Buckley Jr. has written, "This enterprise is a huge contribution to an understanding of the most important political phenomenon of the century." According to Senator Daniel Patrick Moynihan, "All of us who care to ensure that this generation and future ones possess an adequate understanding of what transpired between 1917 and 1991 ... are in the debt of Yale University Press for its efforts and contributions."

It was surprising, then, to read Heilbrunn's accusation that Yale University Press and I personally "caved" under pressure from the revisionist left wing of Soviet studies. Nothing in our past publication history bears this out. Nothing in our future publications will.

Heilbrunn's tacit assumption is that any criticism of Brovkin's scholarship or point of view is politically motivated. His attack has two premises, the first that all the negative reports on Brovkin's proposal were written by revisionist scholars or moderate sympathizers with revisionism—they were *not*—and the second that opinions from left-wing revisionists are always politically motivated. This is no more the case than the reverse would be—that all opinions from right-wing political historians would be politically motivated. Underlying the whole of Heilbrunn's piece is the destructive view that all scholarship is merely politics in disguise.

The review of Brovkin's proposal followed accepted practice for the Annals



series. Seven members of the American advisory committee responded in writing, as did several others by telephone. Five of the letters were negative; one was mixed; one was favorable. Of the five negative reports, three came from eminent scholars with no particular political agenda who are not revisionists. Their views coincided with the assessments of the revisionists to produce a nearly unanimous opinion that Brovkin's proposal was not acceptable. Brovkin was not simply being paid back by the revisionists, as Heilbrunn asserts.

Universally accepted professional standards prevent us from revealing the identities of the scholars who responded to Brovkin's proposal, but it was the three nonrevisionists' assessments that persuaded me not to go forward in offering him the editorship of this project. The history of the Soviet Gulag is not Brovkin's specialization; nor has it ever been. A great many scholars with excellent publication histories might nevertheless not be properly positioned or equipped for a particular assignment. The same editorial committee that felt Brovkin was not the best person for this project also rejected a revisionist historian's candidacy for a volume on the assassination of Sergei Kirov. We continue to search for a qualified candidate for both the Kirov and the Gulag projects.

No one should confuse the evaluation of a proposal for a work not yet researched or written with an assessment of Brovkin's past work as an author and expert. Had Brovkin possessed the qualifications, we would have selected him for the job. Indeed, as Heilbrunn knows but failed to note in his article, Yale University Press published Brovkin's last book, *The Bolsheviks in Russian Society*, in 1997.

Much good work in the Soviet archives remains to be accomplished. Inventing plots where none exists will only politicize the scholarly process further. Such accusations are a form of public intimidation inimical to the entire publishing enterprise.

JONATHAN BRENT
Editorial Director
Yale University Press
New Haven, Connecticut

To the editors:

Jacob Heilbrunn did Vladimir Brovkin no favor when he endorsed (and amplified) Brovkin's absurd allegation that his proposal to Yale's Annals of Communism series for a history of the Gulag was rejected because editor Jonathan Brent "caved" to certain cold war revisionists who objected to Brovkin's militant anti-Soviet stance. The Yale series' widely applauded efforts to reveal the truth about Soviet (and international) communism has inevitably resulted in an objectively anti-Soviet perspective, and any trace in that series of revisionist apologies for the Soviets exists only in the imagination of the pathologically suspicious.

I know Brent. The idea that he could have been intimidated by the few surviving cold war revisionists, whose defenses of the Soviets are sinking into oblivion under the weight of their demonstrated fallacy, is likewise absurd. Like any editor, Jonathan Brent must take into account such factors as writing talent and the ability to work with others when judging a writer's proposal. For Heilbrunn and Brovkin to insist that they fell afoul of an ideological litmus test suggests that they themselves use no other test in their own literary judgments.

RICHARD GID POWERS
Brooklyn, New York

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To the editors:

Gratified as we are by praise of *The Secret World of American Communism*, we are dismayed by the judgment that our editor at Yale University Press, Jonathan Brent, "caved" in to Soviet studies revisionists anxious to downplay the crimes of Stalinism by not pressing ahead with Vladimir Brovkin as editor of several volumes in the Annals of Communism series.

We have only the highest regard for Vladimir Brovkin's work and regard him as among the foremost scholars of the history of the Bolshevik regime. We are also certain that Jonathan Brent's decision to have someone else prepare the volumes on the Soviet Gulag did not reflect susceptibility to pressure from revisionists. It was Brent who first conceived of the series as a document-based examination of key aspects of Communist history. He has steadfastly insisted on the academic integrity of the series and staunchly defended our work, which has come under fierce attack from academic defenders of American communism, and the Lenin volume edited by Richard Pipes, whose work is anathema to revisionists. If Brent were inclined to yield to pressure, neither our volumes nor Pipes's would have seen the light of day. The Annals of Communism volumes prepared under Brent's editorial leadership have brought to light and will continue to bring to light documents and facts that will destroy the revisionist myths of Communist and Soviet history.

HARVEY KLEHR
JOHN EARL HAYNES
Via the Internet

Jacob Heilbrunn replies:

I never accused Jonathan Brent of bad faith, but I did question the vituperative evaluations submitted by his board. None of those evaluations—some of which consist of only a couple of paragraphs—contains substantive criticism of Brovkin's proposal or scholarship.

To the editors:

So. Those who were sent to the Gulag were sent there "according to the laws of the land." Were not the six million sent to their deaths according to the laws of another land?

Upon reading Jacob Heilbrunn's "Historical Correctness," I heard a distinct rumble beneath my feet. Perhaps it was the ghosts of Mandlestam, Akhmatova, Tsvetaeva, Mayakovsky, and, the loudest of all and most recent addition to their number, the great Joseph Brodsky, crying out from their graves. Brodsky had a lot to say about how soul-crushing life was under the totalitarian rule of Soviet

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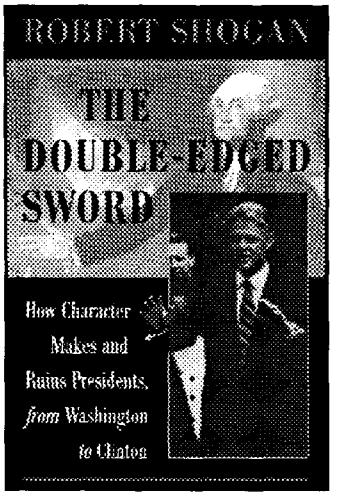
THE DOUBLE-EDGED SWORD

HOW CHARACTER MAKES AND RUINS PRESIDENTS, FROM WASHINGTON TO CLINTON

Robert Shogan



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government. He spent his life recounting for us every detail he could remember so that we would begin to understand what went on.

It is a disgrace to back up from the facts. It is a great disrespect to the dead to bend to "revisionists" who would powder the face of Stalin to make his behavior more palatable. As for the claim that Brovkin lacks the scholarly stature to tackle the job of editing several volumes on the Soviet Gulag, it is obvious that his refusal to sugarcoat the facts and avoid certain issues to suit the revisionists is the reason he has lost the job. Brovkin obviously is not willing to put a positive spin on a time of horrible, dehumanizing oppression.

Let us depend upon the artists, like Brodsky, who wrote the story with their own blood, to tell us what really went on, since the academics and scholars seem so afraid to offend us with the truth.

Let the students of the future learn from those artists, who elevated their culture by refusing to be "politically correct" and were willing to suffer the harrowing consequences.

SUSAN STAUTER
San Francisco, California

Artistic license

To the editors:

I agree with the thrust of Robert Brustein's argument for increased and content-neutral support for the arts as a political choice ("Sex, Art, and the Supreme Court," October 5). The beginning of his article, however, continues a lamentable false argument linking the effect of content restriction for qualifying for a government grant with censorship of the arts. It's worth noting that not one of his examples—from James Joyce to his list of artists remembered through the ages as the exemplars of their culture at the end of the article—ever received government arts grants. In what possible way does the denial of a government grant constitute censorship? Until the government forbids the creation or display of controversial art, it is not censoring anything.

ROB GLASER
Chicago, Illinois

To the editors:

At the heart of Robert Brustein's article lies a strong, convincing case for generous voluntary support for the arts from those citizens who value and appreciate them and a weak, unconvincing case for government-mandated support, in any amount, from those who do not. Because the need for art is profound and spiritual, it exists on simultaneously deeper and higher levels than the obvious need for public education, law enforcement, welfare, defense, economic development, and other civic benefits, for which taxes may be reasonably collected, sensibly appropriated, and effectively distributed. In pursuing an argument that equates two notably different kinds of need and that also insists on continuing to link at least some art funding to politics, Brustein diminishes the unique significance of art and undermines his own fundamentally worthy cause.

HARVEY GORDON
Kalamazoo, Michigan

Robert Brustein replies:

I would agree with Rob Glaser's statement that withholding funding is not exactly the same as censorship, but my argument was over whether "community standards" should determine content restrictions, whether in the case of a censored artist or an unfunded one. If Harvey Gordon is really saying that the arts are too spiritual to be sullied by government funding, he is condemning our country to remain a materialist state distinct from Canada and the more sophisticated European nations that subsidize their arts.

Taking the Fifth

To the editors:

I agree with Jeffrey Rosen that not all crimes are impeachable offenses and not all impeachable offenses are crimes ("A Constitutional Crisis," October 5). Still, I find Rosen's logic a bit curious. Suppose the president held up a liquor store at gunpoint. Suppose he took a potshot at a car that cut him off in traffic. Suppose he put poison in the first lady's soup. By Rosen's definition, none of these crimes would be impeachable offenses because they are not "political offenses that subvert the constitutional structures of government."

I was also surprised by the statement that, in testifying before a grand jury, "anyone but the president would have been free, in practice, to take the Fifth." Do you mean that the president can't take the Fifth because it would be embarrassing for him? It is always embarrassing for a witness to refuse to answer on the grounds of self-incrimination, and, the more famous the witness is, the greater the embarrassment. But the president faces no more difficulty in claiming that right than does any officeholder. Perjury is not justified (not even for presidents) because the witness wants to avoid the embarrassment of taking the Fifth.

J. PAUL KNAP
Brookfield, Wisconsin

All economics is local

To the editors:

In "The Confidence Game," Paul Krugman paints a picture in which the currency values of small countries are entirely determined by the whims of wicked foreign speculators (October 5). According to Krugman, these outside investors from rich countries get spooked when they realize that their ill-gotten gains might be in jeopardy, and they all stampede for the exits, undermining not only their own investments but the wealth and well-being of the country they've been investing in. But many of the people stampeding to the doors in places like Korea, Russia, and Indonesia are in fact Koreans, Russians, and Indonesians, who've lost confidence in their own governments' ability to protect their wealth. It's not only international investors who drive "the confidence game"; it's at least as much the locals. The reason that about 70 percent of U.S. currency is circulating abroad is precisely because many of the locals don't trust their own currencies and financial institutions (i.e., their own governments).

JOSEPH BLALOCK
Washington, D.C.

Pretty penny

To the editors:

While I can't comment on Roger Lowenstein's views of the stock market ("Market Bull," September 28), I take issue with his description of mutual fund investors as "so many parishioners putting quarters in the cup." Quarters and cups is inaccurate as well as outdated. First of all, offerings are usually gathered not in a cup but a plate, box, pouch, or, for the ambitious, even a bucket. Some churches even take MasterCard, Visa, and, of course, checks (though bouncing checks is a purgatorial offense). Second of all, a quarter won't go very far these days to cover the expenses most churches incur to market to the quality-conscious consumer in a competitive religious environment. Those who are religious entrepreneurs for the Deity hate to have a stereotype of the practice of American religious consumers reinforced; just because grace is free doesn't mean it is therefore cheap.

REVEREND JOHN R. MAZARELLA
Winnebago, Minnesota

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TRB®
FROM WASHINGTON

Busted

When celebration erupted among human rights activists at the news that former Chilean dictator General Augusto Pinochet had been arrested in Britain at the request of a Spanish magistrate investigating the crimes of his regime, I thought of Erich Honecker.

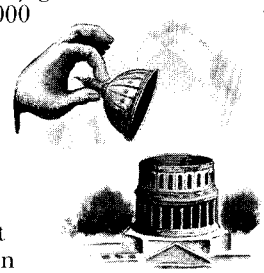
The late former East German dictator is guilty of supervising the construction of the Berlin Wall, mandating the shooting of hundreds of East Germans who attempted to escape to the West, and running one of the most comprehensive internal spy networks ever created by a totalitarian regime.

After the wall fell in 1989, Honecker fled to Moscow; German authorities demanded he be returned for trial; Honecker sought, and received, refuge in the Embassy of Chile. Long negotiations ensued between Bonn and the new post-Pinochet democratic government of President Patricio Aylwin. In 1992, Honecker was sent to stand trial in Berlin, but a judge threw out the case because of the octogenarian Honecker's ill health. Honecker left for permanent exile in—you guessed it—Chile, where he lived out the last 17 months of his life. He never repented, and he was never held legally accountable for his deeds.

I always surmised that the centrist Aylwin government gave Honecker a refuge as a conciliatory sop to the former supporters of Salvador Allende; Honecker had made a special cause of Allende's government and gave asylum in East Germany to many Chilean leftists fleeing Pinochet's 1973 coup against Allende. Certainly, the East German boss was welcomed with open arms by many of the same Chilean leftists now crying for Pinochet's scalp. And certainly the Chilean government paid no political price for this cosseting of a criminal; human rights groups barely noticed.

I wonder, though, why Pinochet, who was still in charge of Chile's military at the time, countenanced Honecker's presence. Perhaps he didn't think it was worth raising a fuss. Perhaps even the fiercely anti-Marxist Pinochet could feel sympathy for a beaten old man. Or perhaps he was taking precautions, setting a precedent for the day when he himself might need to be sheltered from accountability for his regime's crimes.

That day has arrived. As human rights activists proclaim Pinochet's arrest a great triumph for the rule of law, Pinochet's defenders respond with a long list of mitigating circumstances. The coup that he led was provoked by the excesses of Allende's minority government. Most of the 3,000 people his forces killed were, indeed, Communists, many of whom were planning an armed revolution along Cuban lines. Pinochet's 17-year rule saw great economic modernization for Chile, a boom that continues to benefit Latin America's largest middle class.



All true, all irrelevant. The Allende period was indeed a disaster for Chile, and, contrary to myth, the coup, for all its violence, enjoyed wide support at the time it occurred. But that can't justify the hunting down and murder of Allendistas in Chile and abroad, much less the continued selective murder and torture of Chile's remnant Marxists right through the 1980s. Moreover, almost no Chilean who supported the coup expected it to lead to nearly two decades of dictatorship. But, for Pinochet, the coup was not merely the ouster of one Marxist; it was an attempt to obliterate democratic politics itself, which he saw as inherently susceptible to Marxist manipulation.

I have slightly more sympathy, however, for Pinochet's claim of selective prosecution. It's not just Honecker who got off scot-free. So did Mengistu Haile Mariam, the Ethiopian butcher who now enjoys a peaceful exile in Robert Mugabe's Zimbabwe. So did most of the Communists who once ruled Poland, Hungary, and Czechoslovakia. No retrospective prosecution at all has been attempted in the former Soviet Union.

If you'd like some right-wing examples, I'd be happy to provide them: Several high-ranking military men from El Salvador with records about as bad as Pinochet's are free to travel between Miami and San Salvador as they please. South Africa's former white bosses have basically escaped prosecution, as have the men who ran Guatemala's bloody counterinsurgency.

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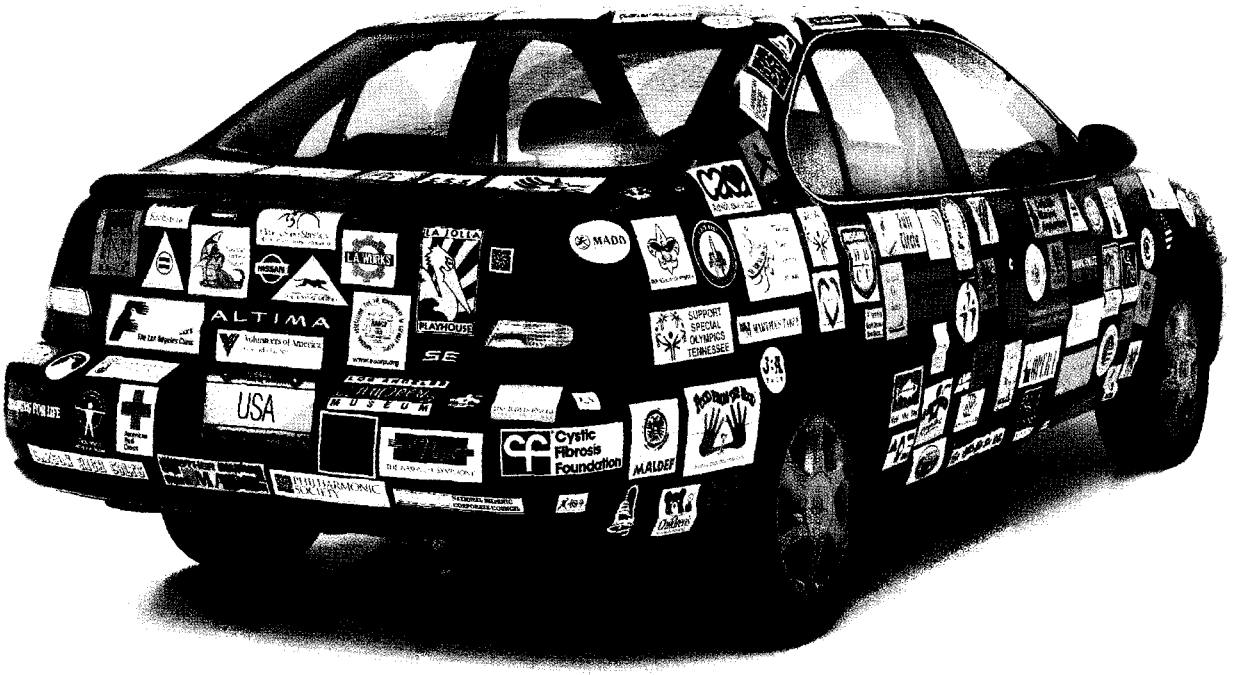

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THE NEW REPUBLIC

NOVEMBER 9, 1998

SCHOOL CHOICE

For the better part of his two terms as California governor, erstwhile Republican presidential contender Pete Wilson has stood at loggerheads with the state's powerful teachers' unions and the state legislature, which is controlled by Democrats who are beholden to the unions' cash for their campaign funds. So it should come as no surprise that, with his governorship drawing to a close, Wilson would sidestep the legislature in his final bid at education reform and attempt to enact several measures the unions bitterly oppose. In a sort of legislative swan song, he has staked his legacy on Proposition 8, a sweeping ballot initiative encompassing a series of reforms aimed at raising teacher quality, reducing class sizes, encouraging parental involvement, and establishing school accountability.

The measure would require new teachers and those teachers wishing to teach a new subject to pass competency tests, while principals would gain greater power to hire and fire staff. It would create local school councils composed of one-third teachers and two-thirds parents, who would have final say over discretionary spending and curricula, and it would guarantee the funding to make Wilson's K-3 class-size reductions of two years ago permanent. In addition, it would carve between $15 million and $20 million out of the state Department of Education's budget to create an office of chief schools inspector. Appointed to a ten-year term by the next governor, the inspector would rate all of the state's public schools based on a range of criteria, from test scores to dropout rates.

Voters seem to like it. (A recent poll had 48 percent voting "yes," 29 percent "no.") Yet Proposition 8 has aroused the ire of some very well-endowed interest groups—the teachers' unions, who see the measure as a threat to their power; Democrats, who support the unions; the Christian Coalition, which fears overcentralization of education; and various anti-tax organizations, who, well, don't like the extra taxes the spending would require. This odd coalition—how many times have unions and anti-tax groups made common cause?—has come up with more than $3 million to battle Proposition 8, while its supporters, after spending $1 million to get the initiative on the ballot, do not have enough money left to run TV spots in the weeks leading up to the November 3 vote. The opposition's monetary advantage does not bode well for a somewhat obscure ballot initiative whose fate rests mostly on publicity.

Tellingly, it's the most expensive and least effective part of the initiative that the teachers' unions love the most. Wilson's proposal to determine class sizes from Sacramento would lock in spending on a poll-driven "reform" that has little basis in research. In fact, average elementary class sizes nationwide have been falling precipitously ever since the 1950s with no significant gains in achievement. The problem in California, as with everywhere else, is not that there are too few teachers but that there are too few *good* teachers. Reducing class sizes might help at the margins but does nothing to alleviate that fundamental problem. The money for extra salaries would probably be better spent on something like cash bonuses for teachers who agree to spend a certain number of years in the most challenging and underserved environments: high-poverty schools. Call it combat pay.

And, equally telling, it's the proposals that have drawn the most fervent opposition from the unions that look most promising. Proposition 8 opponents claim that establishing an independent auditor would cede too much influence to an unelected, unaccountable bureaucrat. But a truly independent school auditor could lead reform efforts by providing parents and policymakers with reliable, easy-to-obtain information on school performance. And the examples of Texas and Kentucky, where school ratings have raised achievement statewide, prove that there is no more effective reform than letting parents know how their child's school compares with everyone else's. Similarly, to hold a school accountable for performance, you must allow its leader, the principal, to control who is and is not on his staff.

On another level, Proposition 8 is also a commentary on California's dysfunctional politics. Texas and Kentucky were able to cobble their accountability systems together through horse-trading in the state legislature. They also run them through their respective state education agencies, whose heads are appointees. In California, the elected state superintendent of public instruction routinely squabbles with the governor and can ignore his priorities. Then there is the state school board, which has the main responsibility for making education policy; the governor and his Cabinet-level secretary for child development and education, a key

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adviser; the state legislature, which also writes education policy; and hundreds of local school boards and districts. All of these institutions and personalities engage in bitter power struggles, getting nothing done and leaving no one accountable for the failure. The fact that Wilson—and so many California voters—see a need to create a new agency to sort out this mess is itself an argument for swift reform. •

NOTEBOOK

PEACE OF MIND: As this issue of TNR goes to press, the suspense surrounding the extended Israeli-Palestinian-American summit at the Wye Plantation in eastern Maryland is growing. (The Wye Plantation is turning into the When Plantation.) It is hard to imagine that all of this will come to naught, but there are reports of threatened walkouts and insurmountable obstacles and the like. The road to this wrangle has itself been long and tortuous. It may be, indeed, that the broker's interest in the success of this transaction has been more desperate than that of the parties he is hosting. President Clinton could use a little history. If he manages to pull this one off, he can be said to be functioning, well, as the president of the United States, which certainly cannot be said about his functioning in the matter of, say, Iraq. This makes it harder to understand an ancillary bit of the president's Middle East diplomacy. He and his wife have signed on as honorary cochairpersons of a New York benefit dinner for American friends of Peace Now. Never mind that, in Israel, the position of Peace Now has become rather marginal in recent years. The president of the United States prides himself on being an honest broker in this arduous process. Does he really believe that aligning himself and his office with a particular movement in Israel will have a constructive effect upon his Israeli interlocutors? When Clinton virtually campaigned for Shimon Peres in the 1996 Israeli elections, his intervention redounded only to Benjamin Netanyahu's advantage. But these are the "give peace a chance" politics of Bill Clinton, Hillary Clinton, Madeleine Albright, and Sandy Berger. At this delicate moment in the history of the conflict, then, it is perhaps worth reminding them that the prime minister of Israel is not Judy Collins.

SEARCH UNDER "WILL CHANGE SIDES FOR FEE": As the Microsoft antitrust case begins, the spectacle of Robert Bork as counsel to the anti-Gates Netscape coalition becomes increasingly enchanting. As Sylvia Weedman and Robert Kuttner have pointed out in *The American Prospect*, the high point of Bork's intellectual career was his 1978 book *The Antitrust Paradox*, which argues that government almost never needs to file antitrust cases because market forces are sufficient to punish the predatory monopolist. Now Bork represents a group of companies that wants government to do to Microsoft what, for good or ill, the market has declined to do. How rich, then, that Bork's byline should now appear in *The American Spectator* above the argument for impeaching President Clinton. Bork's key pronouncement: "The rule of law is subverted when law itself, and the institutions that guard the law, are seen as no more than a means." How true! And thank goodness we have absolutists like Bork to make sure relativists like Clinton can't get away with perverting the law's meaning, or insisting it means different things on different occasions.

THE GOOD GENERAL: It has been pointed out that the extradition of Augusto Pinochet to face trial for his crimes as Chile's dictator sets both useful and problematic precedents. On the plus side, the international community is finally showing some willingness to take legal action against a major human rights violator. On the negative side, Pinochet's arrest may make future dictators reluctant to give up power peacefully for fear that foreign countries will later punish them. Of course, certain of the general's American defenders are not exactly wrestling with the nuances of the case. "Pinochet's crime," froths a column in *The Washington Times* by former Reagan Treasury official Paul Craig Roberts, "is that he saved Chile from a Communist takeover." A *Wall Street Journal* editorial is only slightly more specific about all this human rights fuss. "In September 1973, General Pinochet headed the coup that saved his country," the *Journal* bloodlessly recalls. Then it notes in passing: "Some 3,000 people died." Oh, they *died*. Having dispatched that issue, the editorial proceeds to explain that Chile under Pinochet became "an example of successful free-market reform." We loved that one. Throughout Bimbroglio, both the *Times* and the *Journal* editorial page have been a forum for the conservative complaint that Americans are more interested in enjoying an economic boom than in removing President Clinton from office. Prosperity, the *Journal* and others have said, can never justify the countenancing of crimes such as lying about sex with an intern. But it seems that some conservatives aren't willing to apply that rule in the Southern Cone. For them, the general's successful growth-oriented policies outweigh his successful death-oriented policies.

APROPOS OF THE QUEST FOR TRUTH: Thanks to the Republican Congress, Americans now know every disgusting detail of President Clinton's sleazy affair with Monica Lewinsky. But, also thanks to the Republican Congress, it will remain difficult for Americans to find out about cases of questionable U.S. behavior during the conflicts in Guatemala and Honduras. Amid the hubbub over the Starr report, the Human Rights Information Act, intended to open secret government files on cases of Americans who were killed or tortured in those countries, died a quiet legislative death on orders from the leadership of both the Senate and the House. Looks like there are limits to the public's right to know after all. •

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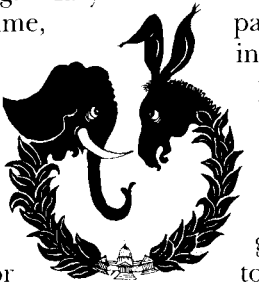
CAMPAIGN '98

PARRIS IS BURNING

By Jason Zengerle

It's about three weeks before Election Day, and Maryland Governor Parris Glendening is searching for votes at an Oktoberfest in the aptly named Washington suburb of Germantown. With his orange-trimmed Baltimore Orioles jacket and gaggle of aides, Glendening is hard to ignore. But the festivalgoers—preoccupied with an oompah band and steins of beer—seem to do just that. Only a handful of people come up to Glendening to wish him well. Indeed, when Glendening and his entourage leave after roaming the fairgrounds for 90 minutes, I overhear one person ask another: "Who was that?"

And that's how it has been for Glendening throughout much of his reelection campaign. Although Maryland is enjoying record-low unemployment, crime, and welfare dependency, Glendening is having a hard time getting credit. Indeed, as a Democratic governor in a state where Democrats outnumber Republicans two to one, and facing a Republican opponent, Ellen Sauerbrey, whose far-right views on abortion and gun control are anathema to many Marylanders, Glendening finds himself fighting for his political life. The polls show him and Sauerbrey in a statistical dead heat; Glendening may be the most vulnerable incumbent governor in the country.



But Maryland Democrats are surprisingly blasé. Indeed, his own party caused many of Glendening's political troubles. Last year the Democrat-controlled General Assembly prohibited the governor from fund-raising during the legislative session, thereby giving his rivals a three-month head start in raising campaign funds this election year. Additionally, former Democratic Governor William Donald Schaefer, who is trying to become the state comptroller, has set an ambitious fund-raising goal and is essentially competing with Glendening for Democratic cash.

More significantly, a fair number of Democrats have stayed neutral in the governor's race or have even endorsed Sauerbrey. Many Democrats who have come to the governor's aid have done so only in the past couple of weeks. Baltimore Mayor Kurt Schmoke and Prince George's County Executive Wayne Curry, Maryland's top two black politicians, whose support Glendening desperately needs to produce a high black turnout, recently endorsed Glendening—but only after President Clinton, who still has a lot of clout in a heavily Democratic state like Maryland, personally implored Schmoke to do so.

Most of Glendening's Democratic critics concede that he has done a decent job running the state and that his views line up with theirs. Yet these detractors tend to fixate on his trustworthiness, his integrity, and his likability, or lack thereof. Consequently, the criticisms of Glendening are sharply personal. "It's integrity and character that count," says former Lieutenant Governor Mickey Steinberg, a Democratic stalwart who endorsed Sauerbrey. "Politics is an intensely personal game, and Parris doesn't get that," adds one Maryland Democrat. "He has no personal relationships with anybody."

Of course, Maryland Democrats, accustomed to one-party dominance of state politics, have also grown accustomed to the luxury of engaging in petty personal squabbles with other Democratic politicians. Indeed, the longer the Democrats have held power in Annapolis, the more the state party has come to resemble a junior high clique, and the more its intraparty politics have come to resemble a junior high popularity contest. But now that Republicans have begun catching up—Glendening only beat Sauerbrey by 5,993 votes in 1994, and Republicans have made steady gains in the state legislature—Democrats don't seem to understand that the time for such games is over. "The Democratic Party in Maryland is very self-indulgent," laments a party leader. "People credit Maryland with having a powerful Democratic Party, but it's not powerful, because it's never had to be. It's never been an issue of survival before. It's only now that the test of the party is there."

If politics were a pure personality contest, Glendening would never have been elected governor in the first place, nor would he, prior to becoming governor, have served three terms as Prince George's County executive. A former political science professor at the University of Maryland, Glendening is a wooden public speaker and the rare politician who refuses to mine his personal life for political gain. Glendening's biography is full of enough heartache, hardship, and inspiration to fill a feature-length version of "The Man from Hope." He is one of six children of a neglectful, bingo-addicted mother, and he is the only person in his family to go to college. One brother is mentally disabled, and another died of AIDS.

But Glendening has been reluctant to talk about any of this, owning up to his biography only after *The Washington Post* essentially outed him. Instead, Glendening is far more comfortable discussing public policy—and, given some of his policy achievements, that's understandable. Glendening has taken advantage of Maryland's healthy economy and budget surpluses by cutting income taxes ten percent at the same time that he has poured more than $600 million into school construction. Glendening and the legislature passed a tough gun-control law and a ban on smoking in most Maryland workplaces. Even Sauerbrey has conceded: "The problems this incumbent has I don't think have a lot to do with policy."

Sitting beneath a pair of Successories posters in his

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bleak campaign office near the University of Maryland, Glendening ruminates on his predicament. While he feels that the issue of legalized gambling—he opposes it—and geographical divisions—he's the first Maryland governor to come from the Washington suburbs in 125 years—are mostly to blame for the intraparty squabbling, he does concede that his personality is part of it. "I don't schmooze as much as I should," he says sheepishly. "I don't spend as much time with the guys as I should. I suppose I should be doing more in terms of the traditional backslapping part of politics, but it's just not who I am. I'm just not a really outgoing person."

Outside of Maryland, many Democrats cannot understand why Glendening is having trouble. Indeed, if any politician should hold a grudge against Glendening, it's Bill Clinton. At the height of the Lewinsky scandal, Glendening canceled a scheduled fund-raiser with Clinton and sharply rebuked the president for his conduct.

But Glendening's criticism backfired, especially with black voters, who strongly support the president. He recanted and asked for Clinton's help, which Clinton provided. Glendening recalls their conversation: "I told him, 'You know, you stood up and apologized, and if I had to do it all over again I wouldn't have used the words I did.... I think I overstated what I was trying to express.' And, very graciously, immediately, he said, 'Don't worry about it. We've got a big challenge we're going to take care of; now let's just focus on winning.'"

With the election near, some Maryland Democrats are trying to push their personal qualms aside and back Glendening for the good of the party. "I don't like Parris," says one prominent state Democrat who has come to the governor's aid. "But I'll vote for the poor son of a bitch." Not exactly a ringing endorsement, but, for now, it's the best Glendening can get. •

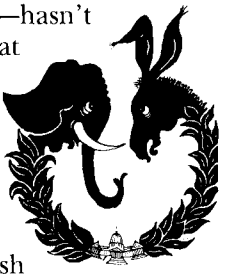
CAMPAIGN '98

BUSH WHACKED

By Art Levine

In the final weeks of his hapless campaign against Jeb Bush in the Florida governor's race, the soporific 65-year-old Democratic lieutenant governor, Kenneth "Buddy" MacKay, seems to have hit on the burning issue he hopes will close the double-digit gap in the polls: Nigerian water pumps. He poses with a red pump at a Fort Lauderdale press conference that draws no local camera crews—only CNN, here doing a story on the kinder, gentler Republicanism of the Bush campaign. MacKay demands that Bush reveal all the details of his links to a company that made $74 million selling water pumps to Nigeria during his father's presidency. "What have you got to hide?" MacKay asks. "Can we trust our future to a person who is hiding his business transactions from us?"

It's the latest in a series of allegations that MacKay has been hurling at Bush, mostly a rehash of charges that stung Bush when he narrowly lost the governorship to Lawton Chiles in 1994. But this legacy of unseemly dealings—for instance, Bush once lobbied for a crooked HMO owner who later became a fugitive—hasn't really hurt this time around. It's not just that many of the charges are either overblown or inaccurate; it's also that many of them are hard to explain. (Even MacKay's campaign manager had to pause to take a breath when describing the Nigerian charges to me. "It's complicated," she conceded.) Furthermore, Bush has successfully revamped his 1994 image as right-wing tough guy into that of a "compassionate" conservative. The new and improved Jeb Bush ("I've grown," he says) is now reaching out to blacks and Jews and emphasizing the revitalization of the inner city. Even about half of all pro-choice Floridians say they'll vote for him.



Democrats everywhere should be wary of what Jeb Bush is creating here in Florida. It's not simply old-fashioned liberal Republicanism, but a potent new brew of Christian social conservatism, ethnic tolerance, and the privatization of some government services, all buffed with a salesman's charm. It is, in some ways, the Clintonism of the right, with Buddy MacKay serving as this race's Bob Dole. Notwithstanding MacKay's efforts, Bush can't be easily demonized, and, barring a political disaster, he is marching to the governorship of a fast-growing state rich in electoral votes. And, because the next governor will have a lot of say in the redistricting of Florida's state legislative and congressional seats, this election could help doom the Democratic Party in Florida—and, indirectly, the Democrats' hold on the presidency.

On paper, there are plenty of reasons it's MacKay who should be the front-runner. In contrast to Bush, who has never held political office, MacKay has spent 30 years in public life. And his opposition to tuition vouchers, support for abortion rights, and backing of a gun-control referendum all have more public support than Bush's views. But that hasn't been enough to overcome Bush's appealing campaign and the stark weaknesses of MacKay's style, campaign organization, and fund-raising. (Bush has raised $7 million, compared with MacKay's $4 million.) MacKay, in fact, was tagged as a sure loser ever since he declared his candidacy for governor, and he now spends much of his time with the press insisting he can come from behind to win, just like he and the folksy, popular Governor Lawton Chiles did in 1994.

MacKay's fellow Democrats have their doubts. "The Democrats knew from day one that MacKay couldn't win," says political science professor Lance deHaven-Smith, associate director of the nonpartisan Florida Institute of Government. As late as this spring, several prominent party leaders and big donors scrambled to

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find another candidate, even approaching the publisher of *The Miami Herald*, who declined.

One of the leaders' main concerns was that MacKay, although respected within the party, would seem too old and no match for the smooth, telegenic Bush. That's just what happened. In his first TV spots, MacKay looked like an extra from *Night of the Living Dead*. "The ads were terrible and raised concerns about his health," says Susan MacManus, a political science professor at the University of South Florida. The first TV debate in October only compounded his image problems. Wearing glasses that made him look even older than usual, he momentarily froze after making his opening statement attacking Bush's business record, muttering "uh ... uh ..." while looking down at the podium for his notes. Bush, relaxed and confident in a tan suit, coolly ignored the criticisms and then crisply outlined his campaign themes.

In the days that followed, MacKay's audiences dwindled, even when he schlepped along Governor Chiles to boost interest. At the Century Village community for seniors near Boca Raton, only 100 people showed up in a theater meant to hold 1,200. And, though the Democrats still have an edge in party registration, apathy could be deadly in a year when zealous Republicans are determined to vent their anger at Clinton. MacKay has even lost some Jewish support to Bush, particularly surprising since Bush has generally been evasive about the sensitive issue of school prayer. The country's largest Jewish newspaper, South Florida's *The Jewish Journal*, endorsed Bush as a "mensch"; he also won the backing of an influential Jewish Democratic state senator.

But perhaps the most serious erosion of support MacKay faces is among blacks. Despite being an early champion of civil rights who fought to integrate the University of Florida, MacKay has lost as much as 15 percent of the black vote—forcing him to spend valuable time wooing normally reliable voters. Much of MacKay's problem stems from a vote in January by white Democrats in the Florida House to remove the liberal black legislator they'd earlier picked to be speaker-designate if the Democrats won in November. Though he worked quietly behind the scenes to stop the drive to dump Representative Willie Logan, MacKay didn't speak out publicly beforehand. The NAACP denounced what Logan called a "lynching," and Bush won the endorsement of some black legislators and community leaders.

Bush has also won black voters through his apparently sincere involvement with inner-city blacks. Back in 1994, when Bush was asked what he'd specifically do for black people, he answered, "Probably nothing." But, since then, he's formed new friendships and associations with Florida's blacks as part of his policy foundation, toured 200 schools, and founded a successful public charter school in Miami's Liberty City ghetto with T. Willard Fair, president of the Miami Urban League.

These new ties are on display as Bush enters a church in Miami's Little Haiti. Like a conquering hero, he hugs black legislators and churchgoing women with equal aplomb. He's there to debate MacKay again, and, while more of the 500 people there are wearing MacKay buttons than Bush insignia, there's an electricity about him that outshines MacKay, who's standing quietly nearby, almost unnoticed, before going onstage. (Bush has even more ethnic cards to play in this election: he's married to a Mexican-born woman and speaks fluent Spanish.)

To his credit, MacKay does manage a few zingers at Bush's expense, particularly when Bush says he's for certain forms of affirmative action. "If he wants to be a Democrat tonight, let's have a conversion right here in the church," MacKay cracks, to whoops of delight. Yet Bush wins respectful attention for even his most controversial views, explaining, for instance, how his vouchers would be available only as a last resort to parents in failing schools, used to cover full tuition for even the worst students. He's especially persuasive talking about school failure and poverty: "There's a gap between the haves and have-nots that you can see clearly when you drive through certain parts of the state, and that gap is growing." His not-so-novel solutions include more tax incentives and loans to promote inner-city businesses and housing.

When the debate is over, Bush is surrounded by a circle of black parents and kids eager to meet him, and he buoyantly hoists one little boy on his shoulder—his four-year-old godson, the adopted son of Dorothy Gross Perry, a Liberty City activist who cares for displaced and abused children in her home. A Democratic Party consultant, Joseph Garcia, watches it all with a sour expression. "The press is buying the flack job that there's a new Jeb Bush," he grouses. "There's no new Jeb Bush." Then Garcia mutters something about missing files in the Nigerian pump case, as a smiling Bush greets his fans on the way out to the next event.

ART LEVINE is a contributing editor of *U.S. News & World Report*.

Israel's least favorite Clintonite.

MARTIN'S MOVE

By Seth Gitell

When Assistant Secretary of State for Near Eastern Affairs Martin Indyk entered the American Israel Public Affairs Committee policy conference in Washington this May, the former AIPAC operative's homecoming was anything but warm. Prime Minister Benjamin Netanyahu had just fled a bruising session of negotiations at the Willard Hotel, and the newspapers were full of reports of the Clinton administration putting the squeeze on Israel. AIPAC members wanted to know why the United States

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was going after Netanyahu, and when Indyk issued his standard response—"You may be shocked to hear that the Palestinians have a long list of complaints about Israel not fulfilling its obligations under the Oslo agreement"—the audience erupted in anger. Someone shouted, "Like what?" More than a few started to hiss, amazed that Indyk could put the blame on Israel, when Yasir Arafat was allowing terrorist killers—some serving in Arafat's own police force—to roam free in the Palestinian Authority. "I haven't finished," Indyk sputtered, imploring the crowd to "relax."

Not long ago, it would have been unimaginable to find Martin Indyk in the middle of such a scene. After all, Indyk was once a key member of the pro-Israel lobby. The story of how he got from there to here, and what he's been doing right up through this week's negotiations at Wye Plantation, says a lot about the shortcomings of U.S. Middle East policy—and the trouble that lies ahead.

After spending most of his life in Australia, where he served as an intelligence official, Indyk eventually caught the attention of Steven Rosen, an AIPAC staffer who brought Indyk to the organization's Washington office to bolster its intellectual heft. After three years there, Indyk left and—with the help of Rosen and some AIPAC funders—launched a think tank called the Washington Institute for Near East Policy. There he attracted the attention of U.S. Middle East policymakers. In 1993, he fulfilled every anonymous foreign policy wonk's dream when President Clinton asked him to serve on the National Security Council staff.

When Clinton nominated Indyk as ambassador to Israel in 1994, skeptical Senate staffers wondered whether a man who had become a U.S. citizen only one year earlier was the appropriate person for such a position. Yet, since becoming ambassador and then a State Department official in 1997, it has been something else—Indyk's adherence to administration Middle East dogma—that has upset so many friends of Israel. Since Indyk's arrival, and since the murder of Yitzhak Rabin, the United States has blamed the lack of Middle East progress on Netanyahu, applying pressure on him that has ranged from the overt (public demands that Israel cede specific amounts of territory to the Palestinians) to the covert (leaking negative stories about Netanyahu and having the president snub him when he was in town for peace talks). Indyk has been there every step of the way, and, according to Israeli officials who deal with Indyk, he's been an influential advocate of such policies.

Indyk bristles at this characterization, calling such accounts "terrible." "I am one of the administration's spokesmen when it comes to Middle East issues, when it comes to the peace process," Indyk once told me. "We continue to be engaged in both sides on the issue of how to bridge the gaps. We want to try to reach an agreement between the parties as soon as possible." (In response to fax requests for an interview for this article, Indyk's aides said he is busy with the negotiations and can't talk to the press.)

And, to be sure, it is the job of the assistant secretary for Near Eastern affairs to advance the administration's position in the press and on Capitol Hill—which means he inevitably gets blamed for the decisions of others. Said one Democratic operative: "It's a high-level State Department job, but it ain't the president. It ain't the secretary of state. It ain't even the job at the U.N. He is more a soldier than a general."

Still, Indyk may have both complicated the peace process and antagonized a vital U.S. ally. Indyk was an early proponent of dual containment, a key element of U.S. Middle East policy. The basic idea, as Indyk explained it at a Washington Institute event in 1993 (the first public mention of the policy, by most accounts), is for America to check the mischief-making ability of both Iran and Iraq. And, to do that, the Arab-Israeli peace process must move forward so that fewer moderate Arab countries will identify themselves with Iran and Iraq.

In practice, this policy means taking a hard line against Iran and Iraq—something Indyk has urged, but to little avail, as evidenced by the recent U.S. overtures to Iran and the refusal to use force against Iraq. But it also entails pressuring Israel—although it's hardly clear such pressure is warranted or serves long-term U.S. self-interest. When the Saudis refused to back the U.S. confrontation of Saddam Hussein last fall, for example, the administration blamed Netanyahu for stalling on the peace process. Yet an equally plausible (and, arguably, far more plausible) explanation was that repeated U.S. failures to pursue Saddam in recent years had shaken the nerve of Arab moderates.

What's more, Indyk shares Clinton's close personal connection to Rabin and to the policies of the Rabin era. Remember, Indyk was America's ambassador to Israel during the apex of the Clinton-Rabin relationship, when a strong alliance existed between the Democratic Party in America and the Labor Party in Israel. After Rabin's assassination, when Netanyahu and his Likud Party faced vituperation from Israel's left, including Leah Rabin, Indyk went out of his way to support the election bid of Labor's Shimon Peres in a manner so conspicuous that it astonished visiting American Jewish leaders. None of that has prompted Netanyahu to be warmly inclined toward Indyk—although privately his staff does say nice things about America's special Middle East coordinator, Dennis Ross. It would be fair to say that the personal backbiting between Indyk and the Israelis has added, rather than removed, obstacles to an interim agreement.

It now seems that the Wye negotiations will produce some kind of interim agreement anyway. But that hardly vindicates the Indyk strategy—or guarantees a final peace settlement. For example, one of the most controversial issues in the final status talks, which under the Oslo peace accords must be concluded by next spring, is the status of Jerusalem. While the Jerusalem Embassy Relocation Act requires the United States to recognize Jerusalem as Israel's capital and begin construction of an embassy there, under the law the administration can

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withhold funding for construction by citing national security concerns.

Neither Indyk nor Albright has been willing to say explicitly whether the administration will exercise its waiver, but Indyk has hinted at such a course, and it's no secret he always opposed the relocation law. The administration's fear is that starting construction would antagonize the Palestinians, thus jeopardizing a final agreement, but, of course, this is the same flawed thinking it has used before. After all, Arafat is on a course to declare statehood unilaterally on May 4, 1999, the Oslo-imposed deadline for peace discussions. That antagonizes the Israelis and would seem to jeopardize the final peace agreement as well. Indyk has acknowledged as much. "It doesn't take a lot of imagination to see what could happen. It's a recipe for almost immediate confrontation," he said recently, adding that it "wouldn't serve the Palestinian cause." But such warnings won't mean much as long as the United States continues its current muddled policy—a policy for which Indyk's critics can rightly hold him at least partly responsible.

SETH GITELL is the Washington, D.C.-based national editor of the *Forward*, a national Jewish weekly.

A better plan to save Social Security.

SOUND INVESTMENT

By Peter Diamond

Until recently, the proponents of transforming Social Security into a system with private investment accounts tended to dismiss their critics as old-fashioned ideologues unwilling to face the reality that Social Security was in financial trouble. But a suddenly volatile stock market has won the critics a more serious hearing. After all, one of the problems with transforming Social Security into a system of private investment accounts is that it exposes individuals to more market risk: if you've sunk all of your money into stocks, and the market dips right when you retire, you could lose a lot of money.

And yet the privatizers are right about one thing: the stock market can indeed help forestall the financial crunch that will hit Social Security sometime after 2030, at which time the Trust Fund's reserves and incoming taxes will be sufficient to meet only three-fourths of the obligations to U.S. retirees. Right now, the government invests its Trust Fund surplus exclusively in Treasury bonds. But, over the long term, Treasury bonds yield significantly lower returns than stocks or corporate bonds. If some of the Social Security surplus were put into private-sector securities, the extra revenue would make it easier to keep Social Security solvent.

The big question is how to invest that money—or, more precisely, who decides how to invest that money. One obvious solution would be to have the government invest the money directly. This would tap the stock market's profit potential without sacrificing the well-being of the poor or exposing individuals to excessive risk, as individual accounts might.

But privatizers claim that individuals will make better investment decisions on average than the government will, and they warn that allowing government to invest the money would give the government control over too large a portion of the economy, thus opening up the Trust Fund to political manipulation. So far, this line of thinking has carried the day. And the individual-account proposal remains a live option at the White House, which has yet to release its detailed Social Security plan.

Yet concerns about direct government investment seem unfounded. We can provide a structure that would insulate the Trust Fund from politics and protect the economy, while capturing the market's higher returns to boost Social Security. And, since administrative costs for one large fund are a tiny fraction of those for 150 million individual accounts, the return to Social Security would actually be much better.

One model for such a structure is the Federal Reserve system. Designed to make independent monetary policy, it has three key features. First, members of the Board of Governors are appointed for long, 14-year terms. Second, neither the president nor Congress can remove the members of the board just because either one disapproves of the monetary policy. Finally, the Fed uses its own revenue from the return on the assets it holds to pay its operating costs, so it does not have to rely on Congress to appropriate money each year. The protections work, and it should be possible to create a similarly independent institution to make decisions about investing the Social Security Trust Fund.

The other model institution is the Thrift Savings Plan (TSP), which Congress set up a dozen years ago for investing the retirement savings of federal employees. It has all the protection features of the Fed, plus a few more. For example, by law, the TSP can invest only in index funds, run by private fund managers, and selected by competitive bidding. The TSP is not allowed to exercise its shareholder voting rights; rather, the private manager holds those voting rights on shares, and it commingles TSP funds with those of private investors.

In addition, the fund manager—again, by law—has a strict fiduciary duty to manage the fund solely in the interest of its investors. The TSP board and its executive director are named fiduciaries, who must, in turn, act prudently and solely in the interest of participants and beneficiaries in the program. As is the case with the Fed board, the TSP board can't be fired at the whim of Congress or the president. Board members must have expertise in pensions and investing.

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Where We Stand

A commentary on public education and other critical issues

Think Small!

By SANDRA FELDMAN, President
American Federation of Teachers

Class size has been a hot issue for years—especially for parents and teachers. It seems like common sense that students learn better in smaller classes where the teacher has more time for each child. But up until now, we haven't had conclusive evidence that smaller classes are more effective. People who hold the purse strings have generally dismissed them as a big waste of money or—when unions fought to get smaller classes—as a ploy to make things easier for teachers.

As a result, many public school students, and especially poor kids in inner-city schools, have been crowded into classes of 30, 35, or even 40 students. And many parents who had the money have pulled their kids out and enrolled them in private schools—no problem getting small classes there.

Now, reducing class size is on the national agenda because President Clinton has made it a priority in the education package he sent to Congress. And governors of both parties are saying they want to reduce class size—some have already done so.

What caused the turnaround? A number of recent studies show that parents and teachers were right all along: Smaller class size really works. In the early grades, all children learn better in classes of 15 to 17 students, and the gains are even greater for poor children in inner-city schools. Here's what the new studies tell us:

- **Effects that last into high school**—"One of the great experiments in education"—that's what eminent Harvard economist, Frederick Mosteller, calls STAR, the Tennessee class-size study. STAR researchers analyzed the achievement levels of K-3 students who were randomly assigned to classes of 13 to 17. They found that kids in small classes did much better than students in regular classes in math and reading, every year and in all grades. The small classes made the biggest difference in the scores of children in inner-city schools. Researchers are still following students who participated in the experiment, and they've found that the benefits of small classes in the early years last at least into high school—long after students are back in regular-size classes.

- **16-point advantage for African-American boys**—SAGE, a Wisconsin program, begun in 1996-97, reduces class size for K-3 children in certain high-poverty schools. At the end of the first year, SAGE kids had made significantly greater improvements in reading, language arts, and math than children in similar schools. African-American boys did especially well: Their total scores went up 56 points compared with 39.4 for students in comparison schools.

Parents and teachers were right about class size all along.

- **Half a year difference in fourth-grade math**—Harold Wenglinsky, a researcher who analyzed fourth- and eighth-grade math scores on the 1992 National Assessment of Educational Progress, found that "fourth graders in smaller-than-average classes are about half a year ahead of fourth graders in larger-than-average classes," with the "largest effects" (three-fourths of a year ahead) for low-income students in urban areas. And the effects are even more substantial for urban eighth graders.

- **Who says vouchers are better?**—Princeton professor Cecilia Rouse did a careful study of student performance in Milwaukee elementary schools—both public schools and those accepting vouchers. She found that public school students in certain special schools where the pupil-teacher ratio was reduced to 17 to 1 progressed as well as voucher students in math. And they made "substantially faster" progress in reading than voucher students. They are poor, minority kids, just like the students in voucher schools.

We know what works

Are smaller classes a good idea, particularly in the early years? These studies answer that question once and for all. They confirm what many parents and teachers always maintained. And they show that smaller classes are especially valuable for poor children. This should make the people who talk about using vouchers to "save" a few poor students—by sending them to private schools with small classes—stop to think. Reducing class size could help districts get these good results for all their children, not just a few.

We already know what works to raise student achievement: high academic standards and proven programs taught by teachers who are well prepared to carry them out. Now we know that smaller class size works. None of these things by itself is a panacea, but together they can do the job for our kids—if the adults in charge have the intelligence and determination to use them. ■

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To further insulate the Social Security Trust Fund from politics, the law establishing a new investment system could mandate that the Trust Fund not hold more than a certain percentage of any corporation—maybe ten percent for starters. (Whether this constraint would even matter would depend on how much the market grows relative to the Trust Fund. If the market does very well, the constraint won't matter.) The law could empower the new investment board to inform Congress and the public about any legislation that might adversely affect the Trust Fund; the Senate could expand procedural rules that now protect Social Security from legislation that would use its revenues to finance changes in the non-Social Security budget. A supermajority in the Senate could be required to pass legislation that the board declared would harm the long-run financial viability of the Trust Fund.

If this sounds unrealistic, consider how well the TSP has worked for its members. By holding the S&P 500, the TSP has gotten a high return on its investment. It has done so with considerably lower administrative costs than the typical 401(k) account—and without political interference. In other words, the TSP seems like a perfect model for the Social Security system. So well has the TSP worked, in fact, that it might be worthwhile to consider having a new Social Security investment board hire the TSP overseers to handle its investments.

What about the other half of the privatizers' argument—that individuals will make better investment decisions than the government? Although many people find such logic intuitively convincing, the opposite is more likely to be true.

The vast majority of the public has little experience or understanding of the principles of investment. Survey after survey has shown that even most investors don't fully understand basic investment principles. Appreciating the advantages of diversification, understanding a risk-return trade-off, distinguishing between real and nominal returns—all of these require education, and education is expensive. Merely sending a pamphlet to every worker will not accomplish much. (You could mandate that workers choose from a limited set of investment choices, but then what's the point of having individual accounts in the first place?)

Individual accounts need individual managers, and the managers charge fees. Administrative fees will eat into benefits, and, over time, the impact of even seemingly small fees can be large. For example, an annual maintenance charge of one percent, roughly the average for mutual funds, would eat up about 20 percent of the system's benefits over a typical beneficiary's 40-year working career. So beneficiaries would lose out, unless they invested far better than government would have. Privatizers insist that's possible, but it's common Wall Street knowledge that, over the long term, index funds, which the government would be using exclusively, outperform all but the savviest and richest investors.

So Trust Fund investment in stocks and corporate bonds is good for Social Security, but what would it mean for the economy as a whole? Actually, it would have a positive effect: if the Trust Fund buys private securities, it will have fewer Treasury bonds than otherwise. Thus the first impact of a change in portfolio policy would be that the public, that is, individual investors, would end up holding less in private securities and more in Treasury bonds.

To be sure, this would happen in any system that hitched Social Security to the stock market, whether through individual accounts or through a government body, because money flowing into individual accounts instead of the Trust Fund would not be available for buying Treasury bonds. But, just as private securities bring greater profits, they entail greater risk. And, over the long term, Social Security as a whole can—and will—tolerate more risk than individual investors will collectively. After all, the stock market might fluctuate, but the large Trust Fund will have enough reserves to cover short-term dips. So, in effect, by investing in private securities on behalf of workers, the government would increase the pool of people sharing the risks in the economy.

This is good for Social Security because the riskier investments bring higher returns over the long run. It is good for the economy because it lowers the cost of bearing risk, making it less expensive to finance private investment. And, since direct government investment is good for individual citizens, too, it makes a whole lot of sense—no matter what the stock market does tomorrow.

PETER DIAMOND is institute professor and professor of economics at MIT.

Wall Street's vigilante.

GET SHORTY

By Craig Karmin

Hemispherx Biopharma, a little-known pharmaceutical company based in Philadelphia, has struggled to survive for most of its 32 years, accumulating debt and reporting losses for much of that period. Despite working with the prestigious Johns Hopkins University, the company has had virtually no sales.

But the summer of 1998 seemed to bring a long-awaited breakthrough: Hemispherx's drug Ampligen suddenly began attracting national attention as a treatment for chronic fatigue syndrome (CFS). One patient, Richard Wendel, a 45-year-old accountant who says he was diagnosed with CFS four years ago, began participating in clinical trials for Ampligen last December. Almost immediately, he started to feel better. His

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memory came roaring back, and his speech patterns returned to normal. "I'm alive again," Wendel says from his home in Reno, Nevada.

Enter Manuel P. Asensio, a wiry, 43-year-old financier who makes his living betting on the downfall of certain stocks. In Wall Street parlance, Asensio is a short-seller. And he's just made Hemispherx his latest target. Pacing in his midtown Manhattan office, he grumbles about the dozens of outraged phone calls and e-mails from CFS patients that day. "I used to call them the perpetually tired," he says. "Now I call them the actively tired."

The day before, September 22, the Cuban-born head of his own investment bank had blasted Ampligen on the Internet as a toxic, "medically useless" drug promoted by Hemispherx management for the sole purpose of defrauding investors. Although the company's publicly traded stock had recently enjoyed an impressive rally, climbing from a price of 4¼ on July 9 to a high of 13⅜ on September 9, Asensio valued the shares at less than $1, ending his post with a signature "strong sell" recommendation.

As financial reports go, this one ranked among the bluntest and meanest ever offered on Wall Street. But, for Asensio & Company, it was standard issue. In a matter of hours, Hemispherx's stock plunged more than 30 percent to 5¼. "They called me a criminal at least a dozen times today," Asensio says, referring to a conference call the company's management held shortly after the short-seller issued his report.

Asensio bristles at the very suggestion. After months of research, he is convinced that it's the company's chairman and CEO, Dr. William Carter, who's suspect. Asensio says that Ampligen has never been approved by the Food and Drug Administration after 25 years and that other drugs do what it sought to do, only better and more safely. He charges that Hemispherx has been hyping its stock by issuing more than 18 million stock options to brokers and other insiders at a below-market value. And, in his most personal attack, Asensio wrote that Carter stands accused of extorting money from an HIV patient, who says he agreed to purchase $1 million of Hemispherx stock in exchange for admittance to a clinical trial for Ampligen. At the time, the drug was being tested as a treatment for HIV.

Not surprisingly, Hemispherx's management has threatened litigation against Asensio & Company on charges of stock manipulation and attempt to defraud Hemispherx investors. If proved, the charges could destroy Asensio's business, but he is unfazed. "I've made a total of eighteen short-sell recommendations," he remarks. "They all threaten to sue, but none of them ever follows through."

Although short-selling goes back to at least the nineteenth century, the practice really took off in the 1920s, when Joseph Kennedy Sr., father of the future president, used the technique as a way to supplement his rum-running business. Here's how it works: Suppose a short-seller believes the share price of 100 for a company—let's call it Startup Inc.—is too high. He finds someone who owns, say, ten shares of this company, borrows them, and sells them in the open market for $1,000. Three months later (or one month, or ten months), the short-seller's hunch proves correct, and Startup Inc.'s share price has fallen to 50. The short-seller then buys back ten shares for a total of $500, returns them to their original owner, and keeps the $500 difference for himself, minus a small fee to the owner for the privilege of borrowing the shares.

Although it is legal, short-selling is restricted in the United States, and there are many in business and government who wouldn't mind seeing it eliminated altogether. Short-sellers are almost always blamed when any individual stock tumbles, and they were collectively blamed for the crash of 1929 (though a Senate committee eventually exonerated them). Last year, Malaysia, blaming short-sellers for the collapse of its currency, eliminated the practice, and, two weeks ago, Japan took similar measures.

Short-selling is also frowned upon in the financial world, but not because most short-sellers don't play by the rules. They do, though many have been known to give their shorted stocks a push, frequently by firing off damaging (and sometimes false) information about a company via Internet chat rooms. Rather, the short-sellers' bad rep is due to the fact that they only profit from the misfortune of others. They prey on small start-ups, newborn biotech or high-tech firms, assuming fraud or failure where others see bold entrepreneurship.

But short-sellers see themselves as cops on the beat for an industry willfully oblivious to its miscreants. None believes this more emphatically than Asensio, a Wharton and Harvard Business School graduate, whose essay "A Free Market Solution to Persistent Stock Fraud" is posted on his website. In the treatise, he argues convincingly that securities industry regulators and shareholder class-action lawsuits are inadequate. Only short-sellers "possess the resources and incentive powerful enough to combat the strong forces of a concentrated stock promotion.... There is no substitute for the profit incentive."

Wall Street, especially in a boom, is indeed skittish about hurting companies' feelings. Analysts shy away from saying anything that might anger company management, fearing they will be denied access to top executives in the future. Instead, they play up good news and sugarcoat the bad.

Since known short-sellers are usually denied access to company officials, and because many investors will not loan their shares to people they know will short them, most shorts operate quietly. Even the outspoken Asensio refuses to say how many people work for him, revealing only that there are four employees in his Manhattan headquarters and a second office in Washington, D.C., which operates under another name. He relies primarily on outside researchers to provide information on the 300 or so companies he is currently targeting.

But, if Asensio's secrecy resembles that of his peers, his trademark public announcement of companies he's shorting is unheard of on Wall Street. "He's sort of an

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agitator, likes to stir things up," said one New York short-seller, who, like most in the business, spoke only on the condition of anonymity. "He hasn't been wrong, but he's a bit of an egomaniac."

It's a week after Asensio's strong sell recommendation for Hemispherx, and, after an initial round of heavy selling, things are not going as planned. The company has mounted a spirited defense, touting the early clinical-trial successes and attacking Asensio by name, a move he terms "unusual." Carter has also managed to convince many people who own shares or stock options not to sell. Hemispherx's share price ends the day at 6, meaning it has actually *gained* ¼ of a point since Asensio's scathing report. "He's done a fabulous job," Asensio says with detached admiration, as if his newest project were a game of chess.

Still, Asensio is confident of checkmate in the end. "Anyone who is a thoughtful investor has left," he assures me. "The people who are still here are involved in ripping off the public. They are inside promoters and paid-for stock brokers who are working the phones and getting paid. In vulgar Wall Street language, it's a stock rig, and it's a very good rig. But rigs always fall apart. If they didn't, our capitalist system wouldn't work."

Few doubt that Asensio is battle-tested; every strong sell report brings a wave of hate mail and Internet denunciations. When Asensio issued a sell recommendation for the oil exploration company Solv-Ex Corporation ("Solv-Ex's plant is ill-designed and will not produce bitumen. Management is corrupt. We believe Solv-Ex's shares will soon be worthless"), he claims the firm sent a detective to follow him and harass his doorman and friends. But, far from being intimidated, Asensio published 27 reports about the company, describing in meticulous detail what he called "management's fraudulent activities." Solv-Ex repeatedly denied all charges—and it continues to do so, even though the company has filed for bankruptcy protection and has been charged by the Securities and Exchange Commission with issuing false and misleading public statements.

It is, however, the story of another company, Diana Corporation, that reveals the true extent of Asensio's influence—and why the climate of excess and hype during the recent bull market has presented him with so many opportunities. In 1996, Diana, an obscure Milwaukee-based meat distributor, announced its new subsidiary was offering computerized switching equipment essential to Internet service providers. The news took by storm investors on the lookout for the next Cisco Systems or Lucent Technologies—or anything that promised to exploit the powers of the Internet. In just three months, shares of Diana skyrocketed from less than 16 to more than 100.

Such a phenomenal run attracted the attention of Asensio, who says he consulted with some of the top software and hardware engineers in the country. After receiving documents and testimony that indicated Diana's technology was merely a reconfiguration of an older, obsolete product, Asensio accused the company of bogus promotion and maintained that the vaunted technology was essentially worthless: Diana's shares plummeted to 20, staged a minor comeback to 40, then sank to single digits. Diana has since been delisted from the New York Stock Exchange, has shed its meat business, has moved to Calabasas, California, and now operates under the name of Coyote Network Systems. Asensio, meanwhile, says his firm pocketed $30 million from the short.

A day after my last meeting with Asensio, the unprecedented happens: a company actually follows through on its threat of litigation. Hemispherx files suit in federal court against Asensio & Company, alleging fraud in an effort to manipulate the price of the stock. The company seeks $320 million in damages—the decrease in the value of Hemispherx's shares since Asensio's sell recommendation plus punitive damages. "I don't know his background; it's possible he's uncovered some misrepresentations in the past, but this time he's flat-out wrong," Carter tells me shortly before the suit is announced. "Mr. Asensio has gone one bridge too far. His core assertions about Hemispherx are wrong on the face."

Asensio denies all the charges, says he's hired an attorney to have them dismissed, and will be countersuing. But, in the court of the investment community, the early verdict is against him. The week after the suit is filed, Hemispherx's share price has rebounded to 8⅞—almost a full point above its price *prior* to Asensio's strong sell report. "It's really an extraordinary performance by them, given the black marks this company has on its record," says Asensio, who goes on to note that most of the companies he's shorted enjoy a temporary bounce after the shares initially plunge.

This reminds me of something Asensio said the week before: "It's a lot easier to get people to believe a story than it is to tear it down." It's an interesting, if counterintuitive, supposition, but one Asensio bases on several experiences. The first was probably in 1961, when he was a seven-year-old boy in Cuba and his father sent him to live with an aunt in Brooklyn. Manuel Sr., "a late believer in the revolution," stayed behind, convinced he was helping to build a new democratic Cuba. "I remember crying and my father telling me not to cry," he recalls. But, not long after young Asensio arrived in New York, his father's faith in the Castro regime would prove misplaced: Manuel Sr. was arrested on trumped-up charges and imprisoned. It would be two years before Asensio would see his father again.

As we return to the subject of short-selling, Asensio's composure has abruptly crumbled, and, for the first time, he appears upset. His face is slightly flush; his dark eyes are burning. His voice starts to rise as he exclaims, "If a man lies, you've got to pull him down and say he's lied." Then he collects himself again. "But, if you're diligent, one source telling the truth can be more powerful than a hundred on the other side. If you see our work, you see reasons to be optimistic about life."

CRAIG KARMIN is a reporter for the Dow Jones Newswire.

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VIEWER DISCRETION ADVISED

By Jacob Heilbrunn

One can only marvel at the ambition of CNN's 24-week documentary series, "Cold War," which began on Sunday, September 27, and will continue through April. Personally conceived by Ted Turner, the series attempts a definitive recounting of the long, twilight struggle between the United States and the Soviet Union, based on miles of often breathtaking archival footage and interviews with everyone from Fidel Castro to ordinary citizens on both sides of the Iron Curtain.

Turner insisted that the CNN series be objective as well as comprehensive. Turner himself decided that a British producer be given the series. He wanted to avoid any hint of American triumphalism (Turner seemingly didn't mind that Britain was America's staunchest anti-Soviet ally). "The idea," British coproducer Jeremy Isaacs has said, was "to tell the story of the cold war not wrapped in Old Glory but from the viewpoints of both protagonists."

Yet this is precisely the show's problem. Isaacs's outstanding previous work is "The World at War" series about World War II. Obviously he never dreamed of giving equal time, weight, and credence to both the Nazi and Allied "viewpoints." Similarly, when it comes to the Soviet Union, neutrality is itself a kind of ideological position. You can view the cold war as a justifiable (if sometimes excessive) American struggle to contain, and ultimately defeat, a monstrous system that was intent on global expansion. Or you can view it, as the CNN series does, as a morally unintelligible contest between two equally dangerous superpowers, whose "fear" of each other constantly threatened to plunge a world full of innocent bystanders into nuclear holocaust.

So, while the CNN saga never denies the horrors of Soviet communism and even recounts some of them (as well as China's lunatic Cultural Revolution), it fails to make the connection between the barbarous internal nature of the Soviet system and its foreign policy. Instead, every effort is made to draw parallels between American misdeeds, at home and abroad, and Soviet ones. Neither Soviet communism itself nor any of its individual leaders is held to account for perpetuating the cold war. Rather, both Soviets and Americans are presented almost as victims of their equally irrational "fears."

CNN's story begins with the 1919 World War I peace settlement, which "excluded Bolshevik Russia." The West sent troops to fight the Bolshevik Revolution: "The intervention left Lenin and Stalin convinced that the West would seize any chance," the narrator, Irish Shakespearean actor Kenneth Branagh, says, "embrace any ally, in order to destroy communism." David Ortenberg, a bemedaled Red Army veteran, explains, "We knew we were fighting for the people. The poor people." Of course, by this time, Lenin had already instituted terror as an instrument of political control and was plotting his own war against Poland and supporting revolution in Germany. But Branagh agrees with Comrade Ortenberg: "There was widespread support" for the Reds in Russia.

CNN then blames the 1939 Hitler-Stalin pact on the West: "Stalin drew lessons from Munich. The Western democracies, he concluded, would never stand up to Hitler." But, of course, the Soviet Union itself was hardly "standing up" to Hitler. The Soviets had secretly done business with Hitler's regime in the '30s, even allowing the Wehrmacht to train on Soviet territory. Stalin's real motive in signing the pact was territorial gain in Poland and the Baltic states.

Once Hitler attacked Stalin, the Soviets became the "anti-fascist" power—an ally of the West against Hitler. The alliance broke up after the war, a development that CNN attributes to mutual suspicion. While CNN shows Stalin setting up dictatorships in Eastern Europe, it explains such moves as rational strategizing. Consider the 1948 blockade of Berlin. The show claims that, at a "secret" London conference, the British and Americans plotted to carve up Germany. What choice, the episode implies, did the Soviets have but to respond? But there was no "secret" plan to divide up Berlin. Once the Western allies introduced a new currency for West Berlin, the Soviets, as Dennis L. Bark and David R. Gress observe in *A History of West Germany*, had "an excuse to blockade Berlin," which, as an island of democracy, represented a standing affront to the Soviets.

Then there is the Korean War. Both the Americans and Soviets are presented as pursuing similar policies. "South of the divide, the Americans were in control," Branagh narrates. "North of the thirty-eighth parallel,

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the Russians were in control." Well, yes. But "control" meant one thing in the North and quite another in the South. Ten San Din, a Soviet adviser to North Korea, is trotted out to report that the North's Kim Il Sung was "the national hero of the Korean people." Why, then, did half of the North Korean POWs choose not to return to Kim Il Sung's realm, a fact CNN reports but doesn't analyze?

An episode called "Reds" is even worse. It opens with black-and-white pictures of a snow-covered Gulag and then shifts to a snarling J. Edgar Hoover denouncing communism. Branagh declares: "In the Soviet Union and in America, the cold war was fought by fear. The Soviet Union raised fences against the outside world. The Gulag, the secret universe of labor camps, swallowed the lives of millions. Both sides turned their fear inwards against their own people. They hunted the enemy within." Hoover equals Stalin?

As pictures of America in the 1950s flash by, Branagh fairly sneers that "the cold war made America invent new images for American virtue.... Was communism out to destroy all this? American propaganda said it was." In the United States, "leaders of the American Communist Party were jailed, and the persecution spread. Left-wing labor organizations were banned, radical groups indicted, demonstrations broken up."

The use of the passive voice makes terror seem pervasive, but this is hyperbole. Some Communists were convicted, under the Smith Act, for conspiracy to teach and advocate the overthrow of the U.S. government by force and violence. But the CPUSA was never banned—despite the fact that recently opened Soviet archives reveal that it was funded by the Soviets right up to Gorbachev's time. The AFL-CIO expelled Communist-front labor groups from its own ranks. The series depicts the struggles over communism during the '50s as a battle between hysterical right-wingers and "persecuted" leftists; there's no room in the story for anti-Communist liberals such as Arthur Schlesinger Jr. or Walter Reuther.

By now, you'd think that no serious news organization would even implicitly lend credence to Alger Hiss's denials of espionage. The guilty verdict of Allen Weinstein's book *Perjury* has recently been confirmed by the release of the National Security Agency's Venona files, which show that the Soviet Union did indeed have hundreds of agents in the United States, and that Hiss was one of them. But, in CNN's version, Hiss's guilt is never explicitly mentioned; he is portrayed as a hapless victim of a power-hungry politician. "Hiss," Branagh says, "firmly denied that he had betrayed his country. Richard Nixon, an ambitious young Republican, was convinced that Hiss was lying. Hiss was jailed for perjury. Nixon's name was made." Hiss "was jailed" after a trial by a jury of his peers, a constitutional nicety never observed for the multitudes accused of espionage in the Soviet Union.

CNN's coverage of the Rosenberg case is also muddled. "In 1953, two Americans, Julius and Ethel Rosenberg, were convicted of spying for the Soviet Union," Branagh tells his audience. "They were sentenced to death." CNN dwells on the cruelty of the sentence but does not point out in this episode that the Rosenbergs were, in fact, guilty or that their crime was the extraordinary one of handing over U.S. secrets that helped Stalin build nuclear weapons more rapidly. It is only 15 episodes later in the series—that is, 15 weeks later—that a passing reference calls them "KGB agents."

Branagh concludes that "the spirit of McCarthyism, the smearing of dissent as Communist treason, stained American democracy for decades. In the Soviet Union, all dissent was suppressed...." But the Rosenbergs, Hiss, and other American Communists were not exactly "dissenters"; many of them were, quite consciously, agents of a hostile foreign power. As Senator Daniel Patrick Moynihan notes in his brilliant new book *Secrecy*: "The facts now in hand surely attest that the U.S. government's pursuit of alleged sympathizers and spies in the post-World War II period did not amount to persecution, still less delusion. Not a few in fact were spies, and, of these, most were left untroubled." Apparently, CNN's producers didn't think to put Moynihan on camera.

In "Make Love Not War," an episode written by feminist Germaine Greer, CNN trots out everyone from former Black Panther Bobby Seale to Allen Ginsberg to portray the United States in the 1960s as a racist, warmongering nation. "The cold war military buildup continued," Branagh says scornfully, but "an increasing minority were questioning the cost and effect on American life." (Apparently, that minority was able to increase despite the "smearing" of all "dissent.")

And the Soviet regime of that era? Nikita Khrushchev, according to his son Sergei, "believed that socialism had to be liberated.... It should be made more democratic." Which must be why he sent missiles to Cuba. Branagh reports that "Khrushchev believed the Soviet people would work even harder if they were freed from fear and poverty. But the cold war's pressure to rearm"—an exogenous, abstract force that even the ruler of the Soviet Union was apparently powerless to resist—"kept the old priority for heavy industry alive, especially in the expanding defense sector."

After praising Khrushchev as a proto-Gorbachev, the series turns on him. Former KGB boss Vladimir Semichastny explains the 1964 Politburo putsch that got rid of him this way: "The fruit was overripe," and Soviet society would have rotted away under Khrushchev. Branagh concludes: "Few people missed Khrushchev. Many wanted a firm hand on the tiller again." Who are these "many" who wanted an even tougher dictatorship? Fortunately, the Soviet Union had a gifted replacement: Leonid Brezhnev. Georgi Arbatov, the former head of the Soviet Union's USA-Canada Institute, describes Brezhnev as "a sincere per-

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son ... with a very strong conviction that he had to do his best to prevent war." No one is presented to dispute this tranquil view of the corrupt and incompetent man who sent Soviet troops into Afghanistan in 1979.

There is more. In a confused episode written by the left-wing British journalist Jonathan Steele, we learn that Africa was "fresh hunting grounds for cold war superpowers." We are repeatedly told that Cuba sent troops to aid Angola in 1974 without Soviet approval, as if that mattered, considering that the Soviets supplied the Cubans as they propped up their Angolan allies for the next decade and a half. The show points out that the Soviets did tell Castro to send 15,000 troops to help the Ethiopian regime of Mengistu Haile Mariam battle Somalia. After the victory, the show says, Mengistu "basked in glory"; the accompanying footage shows him being cheered by throngs of Ethiopians. No mention that the Cuban-Soviet intervention rescued a regime whose brutal Stalinist program of farm collectivization led to the starvation of hundreds of thousands of people. Treatment of the cold war in Latin America is a rehash of anti-American clichés, including howlers like the contention that Nicaragua's Sandinistas "narrowly" lost a free election in 1990. Actually, Violeta Chamorro rolled up a 55 percent majority, while the Sandinistas' Daniel Ortega got 41 percent of the vote.

When it comes time to evaluate the cold war's conclusion, CNN can't bring itself to state the obvious: it was an American victory, a Soviet defeat, and, hence, a boon to millions of people around the world. The series seeks instead to portray the outcome as a victory over "fear," as a consequence of Ronald Reagan's willingness, in his second term, to pursue "better relations" with Mikhail Gorbachev. This is a half-truth. It was Reagan's tough first term, during which he raised tensions with his uncompromising denunciations of the Soviet system and with his deployment of Pershing missiles in Western Europe (over the protests of the peace movement), that showed the Soviets, already reeling from their economic failures and the Afghanistan quagmire, that they were up against a revitalized America. Suddenly, political space opened up in the Soviet Union for Mikhail Gorbachev's reforms, which began as an attempt to make the Soviets more competitive with the United States and ended as a rout.

The ultimate flaw in CNN's documentary, then, is that it retrospectively accords a patina of legitimacy to a Soviet system that was utterly illegitimate. And CNN's moral equivalence about the past has implications for the present. As we see daily on CNN, dictators from Iraq to China to Yugoslavia still menace their own peoples and challenge the United States. In that context, Ted Turner made this interesting remark apropos of "Cold War": "We are often judgmental about people that are different from us.... And we don't even understand what their problems are. A lot of students got killed at Tiananmen Square, but I remember several students got killed at Kent State. And, remember, [the Chinese] have a lot more students than we do." •

Why the GOP is weaker than it looks.

INDIAN SUMMER

By John B. Judis

Although President Clinton's recent surge in the polls has fueled some optimism among Democrats, few are sanguine about the party's long-term prospects. After all, it is almost certain that the Republicans will strengthen their hold on Congress in the coming elections—and they may even obtain a filibuster-proof majority of 60 in the Senate. If the president and the Democrats continue to be mired in scandal, or if the economy slows down, then Republicans could even win the White House in 2000.

Yet the real "dirty little secret" in Washington—which a few veteran conservative operatives will confirm, albeit only in hushed tones—is that the Republicans are a party in disarray, arguably weaker than at any point since Bill Clinton took office. The Republicans have power but cannot exercise it; they have grandiose legislative plans but cannot enact them. They claim they are on the verge of establishing a decade-long majority, as the New Deal Democrats or Reagan Republicans did. But, with each passing day, they look more and more like the Watergate Democrats—whose fleeting electoral success on the heels of a scandal two decades ago masked fundamental political weakness.

The roots of Republican weakness go back to the end of the Reagan era. In 1980, when Republicans captured the White House and Senate, they did so on behalf of a popular agenda of supply-side tax cuts, deregulation of business, increased defense spending, and the repudia-

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tion of Lyndon Johnson's Great Society. By the Bush presidency, this agenda was largely exhausted. An economic slowdown, aggravated by huge budget deficits, had undercut the argument for supply-side tax cuts; the savings-and-loan debacle had dimmed public enthusiasm for deregulation; and the cold war's end had removed the anti-Communist basis of unity among conservative Republicans over trade and foreign intervention. What remained was opposition to the excesses of the Great Society and the counterculture. When Bill Clinton and the New Democrats co-opted those issues in 1992, it was as if a door had clanged shut on that brand of Republican conservatism.

Conservative Republicans could still win elections, of course, particularly if their opponents stumbled, but there was no longer a public program around which conservatives could rally a popular majority. Republicans took over Congress in 1994 not because of voter nostalgia for the Reagan era or because of the Contract with America—of which few voters were aware—but because of Clinton's disregard of campaign promises on welfare and taxes, his overreaching on health care, and his initiative on gays in the military. Republicans also benefited from the long-delayed shift of Southern states from Democratic to Republican conservatism. Nevertheless, Republican leaders fervently believed that the election represented a revival of Reagan conservatism—and so they set about reconstituting the Reagan coalition, uniting business groups and social conservatives under the banner of laissez-faire economics and conservative social policy.

New House Speaker Newt Gingrich, working with Grover Norquist, the president of Americans for Tax Reform, and other political operatives, adopted a political strategy that was a mirror image of what the Democrats had done to preserve their hold over Congress—after their popularity had waned. According to this strategy, the Republicans would work closely with the Christian Coalition, the National Rifle Association, the National Federation of Independent Business (NFIB), the National Association of Manufacturers, and other pro-Republican lobbies to forge a common agenda of deregulation, privatization, tax cuts, and opposition to abortion and gun control. The business groups would join the social conservatives under the Republican umbrella. The social conservatives would organize their followers on behalf of Republican candidates, while the business lobbies would make sure that the Republicans had enough money to attract the additional votes they needed. Meanwhile, the Republicans would use their control of Congress to turn its investigative apparatus against the Democrats and the White House.

In the first nine months of 1995, this plan went into action—and brought the party's inherent weaknesses to the fore. Republicans introduced bills that would have gutted the Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), and other regulatory agencies by burying them under lawsuits and cost-benefit analyses. They developed a plan for reforming Medicare that would have opened the program to private insurers through medical savings accounts, the brainchild of Republican contributor Patrick Rooney's Golden Rule Insurance Company. They advocated eliminating five Cabinet departments, including education. They called for supply-side tax cuts and killed the nomination of Dr. Henry W. Foster as surgeon general because he favored abortion rights. They rode herd on Washington law firms, and they initiated investigations into Whitewater, Filegate, and Travelgate.

Almost immediately, the most visible part of the strategy broke down. As the public became aware of the Republicans' radical agenda, they rejected it. Gingrich and the other Republican leaders had misread the public mood. Voters distrusted government but didn't share the antipathy of Republican leaders and business groups toward the EPA, OSHA, Medicare, and the Department of Education. Moderate Republicans began to join with Democrats to defeat the Republican initiatives. By the year's end, the Republican agenda was thoroughly discredited, and the Democrats and their allies in the environmental and labor movements were invigorated.

And so the Republican leadership retreated and modified its strategy. Faced with the sheer unpopularity of their agenda, Republicans gave up trying to win majority support for radical deregulation and privatization. They retained their strategy of uniting social-conservative and business organizations behind the Republican agenda, but instead of offering these organizations ambitious programs—their final effort would be to pass welfare reform—they offered them riders and amendments that could pass Congress without being subjected to public debate and opposition. Accordingly, in 1996, the Republican leadership traded its support for Democratic initiatives, such as the minimum-wage bill, for line-item measures dear to the NFIB, the Christian Coalition, and big Republican contributors like Amway. (See "Bare Minimum," by John B. Judis, TNR, October 28, 1996.)

Gingrich promised a more aggressive public strategy after the 1996 election, but the second Clinton term has seen no substantial change in strategy. While conservative Republicans have continued to talk among themselves about abolishing agencies and Cabinet departments, instituting a flat tax, and privatizing Medicare and Social Security, the Republican leadership has shied away from making these the subject of major bills. H.R. 1—the designation for the Republicans' highest priority—was a bill, bitterly opposed by unions, that allowed employers to pressure employees to forgo overtime pay in exchange for more flexible scheduling. Besides the two budgets, the only large-scale legislation that the Republicans got signed in this Congress was a $218 billion transportation bill that, while needed to modernize crumbling infrastructure, was heavily larded with pork-barrel projects.

Just as in 1996, Republicans tried to satisfy their core interest groups through riders and amendments. Last

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year, they sneaked medical savings accounts into the Medicare budget, but only as an ill-fated pilot program—and as part of a trade-off with Democrats for expanding health benefits to children. This year, the Republican leadership adorned the 13 appropriations bills with scores of controversial riders that they hoped would get through without debate. They included such hot-button items as:

- A rider on the appropriations for the Veterans Administration and Department of Housing and Urban Development delaying indefinitely cleanup of PCB-contaminated rivers.
- Riders on the Labor Department and Department of Health and Human Services bill eliminating a summer jobs program for lower-income teenagers and ending the Low-Income Energy Assistance Program.
- A rider on the Interior Department bill delaying royalty payments to states from oil companies.
- A rider on the Transportation Department bill exempting sport utility vehicles from fuel-efficiency standards.
- A rider on the Agriculture Department bill banning the Food and Drug Administration from approving the abortion drug RU-486.

The Republicans also continued to practice insider politics. They kept the pressure on K Street law firms to hire Republicans and to stop their clients from giving money to Democrats. This month, for example, Senator Rick Santorum and other Republicans protested vigorously when the Electronic Industries Alliance hired a Democrat, former Representative Dave McCurdy, as its president. The Republicans also used their investigative powers to keep Democrats off balance. Beginning in 1997, ten different House and Senate committees held 30 different hearings into White House and Democratic Party fund-raising during the 1996 campaign.

Some hearings were clearly called for, but, of the hearings that took place, only those conducted by Senator Fred Thompson's Governmental Affairs Committee were conducted in a remotely bipartisan manner and were intended to produce reform legislation. The others were along the lines of those staged by Representative Dan Burton's House Government Reform and Oversight Committee. As these hearings began, Burton boasted they would produce a gain of 20 to 24 seats for the Republicans in the November 1998 elections.

The Republicans also took aim at the Democrats' funding base. Norquist and the Republicans championed state initiatives and a federal bill—the so-called Paycheck Protection Act—that would have made it more difficult for labor unions to raise money from their members for political campaigns. Although couched as an attempt to defend the rights of workers, the act was an attempt to hobble the GOP's political rivals.

NEWT GINGRICH BY TAYLOR JONES FOR THE NEW REPUBLIC

To be sure, the Republicans could claim some successes. The investigations—supplemented by Ken Starr's revelations—kept the White House pinned down through much of the last two years and distracted public attention from the Democrats' agenda. Republican pressure on K Street also bore fruit. In the early '90s, business PACs used to split their contributions to Republicans and Democrats about 60–40. Since then, more money has been shifting Republican. According to the Center for Responsive Politics, automotive PACs gave 71 percent of their funds in 1997–98 to Republicans; pharmaceuticals and other health-product producers gave 68 percent to Republicans; and oil and gas PACs gave 77 percent to Republicans. This disparity should give the Republicans a significant edge in the 1998 elections, enough perhaps to carry the day.

But the GOP's strategy has also had its downside. By abandoning the attempt to pass their own agenda, the Republicans have ceded the terms of national political debate to the Democrats. Democratic proposals for campaign finance reform, regulation of managed care, and tobacco taxes didn't pass this year—they were casualties of Bimbroglio—but they dominated what political discussion took place in the country. The absence of a public agenda also opened Republicans to charges that they were more interested in bringing down the White House than running Congress effectively. The current

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backlash against Republicans in Congress is based partly on these sentiments.

The Republicans earned points from interest groups for the riders and amendments they proposed, but they lost them when the White House, alerted by environmentalists, the AFL-CIO, and other interested parties, forced the Republicans to drop or dilute most of them from the appropriations bills. The Republicans found themselves in the same fix they had been in with the larger bills. Once the Republican proposal to ban RU-486 entirely or to eliminate summer jobs became public, the issue was lost.

The Republicans have also run into increasing difficulty holding the different parts of their coalition together. The social-conservative and business groups came to blows over funding for the International Monetary Fund and over granting Most Favored Nation trading status to China. Small business groups and corporate lobbies also disagreed about tax legislation. If the Democrats had not been diverted by the scandal, they probably could have taken more advantage of these growing divisions within the Republican camp. But they will get another chance. These splits should widen rather than narrow in the coming years.

And perhaps no single set of issues will be more troublesome than international economic and environmental issues. In this arena, the Republican Party is hampered not merely by its dogmatic laissez-faire outlook but also by the reemergence within the party of isolationist currents that had been submerged during the cold war. This new isolationism has manifested itself not only in Republican opposition to funding the U.N., the IMF, and other international institutions but also in the sheer lack of importance that Republicans accord to these kinds of institutions—even during the last few months, when the possibility of a global economic calamity has suddenly become real.

The party's disdain for international institutions has already posed problems within its core coalition. During the 105th Congress, the Republican leadership thought it could appease social conservatives by tying funding for both the IMF and the U.N. to a measure forbidding the United States from funding any international organizations, such as Planned Parenthood, that condone abortion rights. In effect, the Republicans were holding the U.N. and the IMF hostage to the religious right's social agenda—an agenda that a majority of Americans oppose. Business leaders acquiesced in 1997, but, as the currency crisis in Bangkok began to reverberate on Wall Street, they pressed the Republicans to fund the IMF and to shelve the anti-abortion clause, to which the administration was adamantly opposed. The social conservatives fired back at the business lobbyists. Said Arizona Representative John Shadegg, "If there's someone who worries more about a foreign economic crisis than the principle of U.S. taxpayer money going to repeal right-to-life laws, I haven't met them." Shadegg's response summed up the new isolationism: it was as if the Asian economic crisis had as much bearing on the United States as the plight of penguins in Antarctica. In the end, the Republican leadership relented on the IMF, but this kind of issue will recur.

The Republicans' isolationism could also threaten their standing with the public. While some of the most committed members of the Republicans' business coalition have opposed the Kyoto treaty on climate change, the public has consistently registered its concern about global warming. A survey last fall by the Ohio State University Survey Research Unit found that 59 percent of Americans thought the U.S. government should do "a great deal" or "quite a bit" to combat global warming. The treaty, which is supposed to come up for Senate ratification next year, is controversial. Under its terms, developed, but not undeveloped, nations will have to reduce their carbon dioxide emissions below 1990 levels by 2012, but Clinton pledged not to submit the treaty to the Senate until developing nations are included in it.

Instead of waging a public debate on how to improve the treaty, the Republican leaders have chosen to kill it before it has a public airing. Their all-too-familiar method: attaching riders to appropriations bills banning the use of federal funds to reduce global warming or even to educate the public about the dangers of, or potential solutions to, global warming. Nebraska Senator Chuck Hagel, who had criticized the treaty because it lets developing countries off the hook, introduced a rider forbidding the administration from doing anything to encourage developing nations to comply with the Kyoto treaty. In addition, the Republicans—who position themselves as critics of government bureaucracy and red tape—have tried to cripple the agencies and Cabinet departments that would be in charge of promoting and implementing the treaty by inundating them with hundreds of requests for documents and analysis.

The Republicans' strategy toward the Kyoto treaty reflects not only their rejection of environmental regulation but also their contempt for the effort to create international institutions. Perhaps Americans will come to share their attitude, but more likely it will be another area of contention between conservative Republicans and a public that has moved in the last decade further and further away from the verities of the early Reagan years.

Some leading Republicans don't believe that there is any gap between their party and the public. They also insist that the party has a positive congressional agenda. Norquist, for instance, thinks that the Republicans have a major agenda of privatizing Social Security and public pensions, tort reform (depriving consumers and stockholders of the right to sue corporations), school vouchers for home schooling and private and parochial schools, paycheck protection, and a two-thirds majority for tax increases. "Getting those five

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passed will change the correlation of forces for the next twenty-five years," he assured me. But few of these proposals have significant support outside of Washington, Wall Street, or a few scattered zip codes. It is no accident the Republicans have either failed to pass them or have yet to try.

There are, however, some thoughtful conservatives who acknowledge that the party is in deep trouble, although they are unwilling to say so publicly. "The Republicans have still not figured out how to be the governing party," one Republican Senate staffer told me. "Our guys get up in the morning and can't believe that they have the job. There is no clear Republican leader in Congress. Who is the Republican leader on foreign policy? I don't know who it is. Who is our leader on economic policy? I don't know. Our party has done a very good job defining what we are against, but it doesn't help you govern." Another conservative Republican who occupies a high position in the hierarchy of the Washington movement criticized the congressional Republicans' "obsession with Clinton" and their willingness to engage in "character assassination." "Some of my colleagues and I wonder if Clinton were just playing a trick on conservatives to keep us from emphasizing our agenda," he told me. "Our people are increasingly frustrated by the obsession with Clinton, because not much is being passed legislatively, or even discussed seriously."

These conservatives make a sharp distinction, however, between the party's problems in Washington and its success in states and cities. They insist that the national party could be transformed by the election in 2000 of a successful governor like George W. Bush of Texas. That's certainly possible, but it's hardly likely. Remember that, in 1990, it was the elder George Bush who attempted to chart a centrist course on the budget and the environment. His 1990 budget was, in retrospect, an important milestone in curbing the deficit. But Gingrich and other Republican conservatives pilloried Bush. His centrism helped cost him reelection. Bush, of course, was not the most effective of politicians, but, since 1990, the national Republican party has lurched even further to the factional right. It could now pose an enormous obstacle to any Republican president who tried to reform it.

In 1990, politicians like Utah's Orrin Hatch were squarely on the party's right. Now Hatch is seen as a squishy centrist. In 1990, Gingrich and Lott were firebrands who were anathema to Robert Dole and the Republican old guard. Now Gingrich and Lott are viewed as sellouts by the new generation of Republican conservatives. This new generation is typified by Shadegg, Indiana Representative David McIntosh, and Oklahoma Representative Ernest Istook. They are politicians with a Bible in one hand and a check from a business PAC in the other. Their solution to the Republicans' lack of leadership is to revive the politically disastrous confrontational approach that Gingrich took in 1995. This year, McIntosh, the leader of the Conservative Action Team, a group of 40 House conservatives, wanted Gingrich and Senate Majority Leader Trent Lott to shut down the government if Clinton tried to remove the riders from the appropriations bill. McIntosh, Istook, and other CATs were highly critical of the agreement that the Republican leaders finally reached. If George W. Bush or someone similar moves into the White House in January 2001, McIntosh and the CATs will be waiting with their claws bared.

The Republicans today, for all their electoral success, bear a remarkable similarity to the Watergate Democrats of the 1970s. In the early '70s, the Democrats—much like the Republicans today—were devolving into a cantankerous collection of special interest groups. Economic slowdown had undermined their fiscal policies, and the Vietnam War and civil rights movement had fractured their political base. During the Watergate scandal—which, unlike the current scandal, was actually about the conduct of government—Democrats found themselves able to unite against a common enemy, Richard Nixon, just as the Republicans today are united against a demonized Clinton. The Democrats enjoyed the fruits of Nixon's ouster and disgrace, winning the presidency in 1976 and their biggest majority since 1965. Many Democrats thought that they were on the verge of building a new liberal majority that would enact an agenda of full employment through national planning, but, in fact, they were merely experiencing a kind of Indian summer created by the scandal. By 1978, even before Reagan's election, conservatives were dominating American politics while the Democrats held the instruments of power. The country kindled to California's tax-cutting Proposition 13, not the Humphrey-Hawkins full-employment bill.

Today, Republicans like Norquist think they are setting the nation's agenda, but it is the Democrats—not the Republicans—who have been defining what is to be discussed and to be done. As became clear in 1995 and was reaffirmed this year, when the Republican riders came up for debate, the Republicans' agenda is unpopular. And the Democrats' proposals? A September survey by the Kaiser Family Foundation found that 74 percent of Republicans and 75 percent of Democrats favored giving patients the right to sue their HMOs.

By this analogy with the Watergate Democrats, the prospects for conservative Republicanism are far from bright. It took the Democrats more than 15 years to appreciate what had happened to them and to begin rebuilding their party into an instrument of majority rule. Watergate was not a boon to the Democrats but a disaster that blinded them to their own internal weaknesses. Similarly, today's scandal—which the Republicans helped to precipitate—may prove to be a greater disaster to them than to the Democrats. It will hide from them the fact that they lack a popular program for the country and a reasonable approach to the problems of the next century. Maybe the Democrats can indulge in a little optimism after all. •

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BOOKS & The Arts

Stanley Kauffmann on Films

The Way We Love Now

It's a mite early to be summing up the twentieth century, but **Happiness** (Good Machine) is so up-to-date that it deploys the past behind it. Todd Solondz's film wriggles and smirks and suffers and chuckles on a base of assumptions—about us. It seems to say: "Well, people of the nineties, see what this century has led to in love and desire and loneliness. And see what you're now willing to accept in a film about such things."

I missed Solondz's first film, *Welcome to the Dollhouse*, but *Happiness* very quickly displays finesse and control, colored by a nearly exultant glee. His screenplay goes on a bit long, but he has several stories to plumb, and he needs some space in which to knit them up.

The title is self-evidently ironic. Who today would expect the picture to be about happy people? Three sisters are at the hub of things, one of whom is not yet unhappy. The sunny one, Trish, is a New Jersey housewife with a psychiatrist husband, Bill, and three children, notably 11-year-old Billy. Helen, unmarried, is a melancholy, self-dramatizing poet in Manhattan, inventing traumas in her past to feed her poems. Joy, who works in Manhattan and lives in New Jersey, also unmarried and hungry for love, is beating at the iron door of life with tiny fists. Two of the three sisters, Helen and Joy, are central to their stories. For Trish, the colors of her life change, as husband Bill moves center in her strand.

Helen gets involved, via telephone, with a man who (unknown to her) lives in the next apartment. Joy, who teaches adult immigrants, gets involved with a Russian taxi-driver, so tightly that his Russian girlfriend comes around to assault her. As Trish fades into the background of her story, Bill's problems take over. Successful professional though he is, he only now begins to face his homosexual leanings—pedophile, moreover—and begins to act on them.

Helen's neighbor is Allen, employed in a brokerage house, who comes home at night and drinks, makes obscene calls, masturbates; vulnerable, he succumbs to a plump woman across the hall who is even more desperate than he is. The parents of the three sisters, Lenny and Mona, live in Florida and are having their own emotional problems, as Lenny dallies with a middle-aged woman who lives nearby and is on the prowl.

Solondz does well with his cast, all of whom fill their roles to the brim. They breathe with some of the same sense of integration that Mike Leigh gets from his comparable London films, yet Solondz, as far as I know, doesn't put his cast through Leigh's long periods of character-saturation before shooting. Jane Adams (Joy), Lara Flynn Boyle (Helen), Cynthia Stevenson (Trish), Ben Gazzara and Louise Lasser as their parents, Rufus Read (Billy), and Phillip Seymour Hoffman (Allen) all deserve more praise than I am giving them. I cite only two of the cast specially: Jared Harris (son of Richard) shows unexpected solidity and strength as the Russian. Dylan Baker does a grave, contemplative balancing act—or unbalancing act—as the psychiatrist who knows he may be wrecking his life and can't stop it.

However, this catalog of desperations disserves the film in one way: it doesn't make clear that *Happiness* is a comedy, certainly black but nonetheless comic. Every one of these accounts of loneliness and frustration is tinged before or during or after with a hint of the author's amusement. Take the opening scene. The film begins with an immense close-up of Joy at a restaurant table, then a close-up of her escort (Jon Lovitz); and we then get dialogue of the subcutaneous, nerve-twisting, present-day comic kind in which Joy tells the man that she doesn't want to see him anymore. The scene is a neatly shaped verbal ballet of satire. But later we learn of the ghastly aftermath.

The comic texture of the scene and its ultimate shock typify the view that Solondz has of his film—and of his people: pitiable yet risible or, in this first episode, the other way around. There's a scent of Woody Allen in the air, but Solondz burrows through to bleak consequences more steadfastly than Allen.

This view that Solondz has of his characters makes us look at the film as a marker on the road. Emotional frustration is hardly a novel topic, but Solondz's cool, wry view of his people fits the postmodern temper snugly. And it's remarkable that a recent documentary confirms the tone of his fiction. In *Unmade Beds* people talk about themselves in terms quite like *Happiness*. The love lives of four New Yorkers, male and female, have been chronicled by Nicholas Barker who, through some wizardry, has induced these people to speak candidly; and it all comes out as a corollary to Solondz's film. The

FILMS WORTH SEEING

Bad Manners. *An old pattern—two guests alter the lives of their hosts and vice versa—but some icicle dialogue and good performances by Bonnie Bedelia and Caroleen Feeney. (Reviewed 11/2/98)* **Lolita.** *She still isn't the 12-year-old of the book, but Dominique Swain is an adolescent killer, and Jeremy Irons does some nice suffering. (10/5/98)* **Regeneration.** *Intelligent writing and acting in this trim version of Pat Barker's novel about Siegfried Sassoon during World War I. (9/14&21/98)* **Saving Private Ryan.** *World War II—as seen by Steven Spielberg. D-Day shakes the earth; what follows is a good enough war movie. (8/17&24/98)*—**SK**

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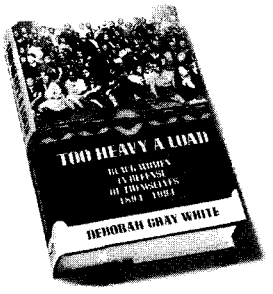

REMEMBERING SLAVERY

edited by Ira Berlin, Marc Favreau & Steven F. Miller

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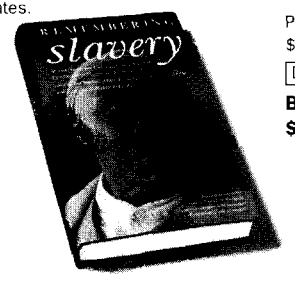

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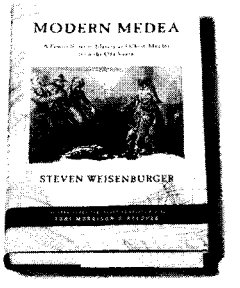

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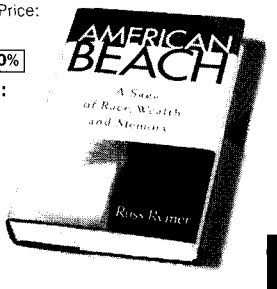

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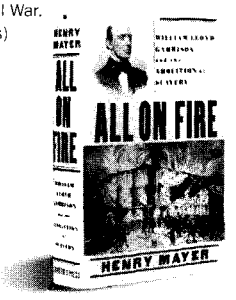

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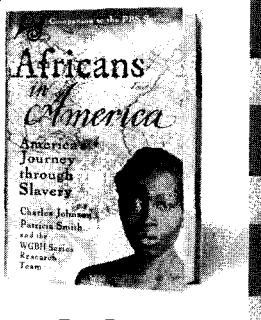

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simultaneous appearance of these two pictures, made quite independently of each other, is eerily fascinating.

Solondz provides yet another ending-of-the-century marker: the sexual details. Curiously, the reviews of *Happiness* that I've read, all favorable, euphemize the frankest elements in it. This is to diminish its relevance, I think, but—a societal paradox—some reviewers can accept daring elements in a film and recommend that film to their readers although they wouldn't be permitted to specify those elements in their publications.

Examples. Bill asks his son Billy, who is becoming sexually itchy, if he knows how to masturbate and, if not, offers to instruct him. Billy declines. (In the film world this is the Year of Masturbation. A chief gag in *There's Something About Mary* derives from it.) Bill subsequently drugs his whole family and Billy's sleepover friend so that he can sodomize the visiting boy. When the sodomy is discovered by that boy's physician and Bill is accused, Billy asks him if it's true. When Bill admits it, Billy asks wistfully if Bill will do it to him. (Bill, drawing the line, says no.)

Because of the scandal, Trish leaves Bill and takes her children down to her folks in Florida. Billy is on the balcony of the Florida apartment, sees a shapely young woman in a bikini below, masturbates, and, for the first time, ejaculates. (Thus, Solondz implies, taking his first step toward the ranks of love-and-sex frustrations.) Billy goes in to report his achievement proudly to his family at the dinner table. Meanwhile, the family dog licks Billy's semen from the balcony rail, then goes in and licks Trish's face.

What's most important about these franknesses, I'd say, is Solondz's belief that the audience would accept them and the fact that he has been proved absolutely right. (The first potential distributor declined the film, nevertheless it's launched.) That acceptance is at the very least a drum-beat in the march of time, as the century winds down.

Supervening all these matters is the fact that Solondz is gifted. *Happiness* is not schlock by a crass sensationalist. It is the work of a talented man who knows his characters and his audience and, with more drollery than compassion, confronts one with the other. •

Queer theory, literature, and the sexualization of everything.

The Gay Science

BY LEE SIEGEL

I.

I used to know a woman who was in thrall to a particular anecdote. She told the tale again and again. Many years before, when her son was just a few years old, she had taken him and a couple of his playmates to a friend's house, where there were some little girls about the same age as her charges. After spending the afternoon there, my friend put her crew in the car and started to drive off. As they moved away, the girls ran to the edge of the front yard, waving to the boys. "Good-bye, penises!" they cried. And the boys waved back and cried, "Good-bye, vaginas!" Whenever my friend related her anecdote, she seemed surprised by her own wonder at it, and mysteriously consoled.

In one fell swoop, the delightful story proclaims the elemental nature of sex and then demotes sex to a triviality. We all know that the pleasures of penises and vaginas are essential and significant and mysterious, but we also know that we amount to more than penises and vaginas. We also know that those pleasures are themselves more than the sum of our genitals, and also that our lives are more than the sum of our pleasures. We do know this. Don't we?

Maybe we don't. To judge by American culture, there is only sex. My friend's tale might easily have been told of two groups of adults—Hollywood adults maybe, since Hollywood's idea of intellectual seriousness is often to discover sexual desire beneath all forms of political power and social convention; or maybe two groups of poets and novelists, since it seems that every other novel or book of poetry now has the sizzling word "desire" in the title; or legislators applying themselves to conduct in the workplace, or newspaper editors, or independent prosecutors. Just about every figure in the arena of our public life, it sometimes seems, wants a kinder, more genitally obsessed nation. But nowhere has the sexualization of reality proceeded so intensely and so relentlessly as in the seminar room.

The contemporary academic obsession with sexuality and "the body" has nothing to do with the Freudian-inspired criticism of the 1940s and 1950s. On the contrary. For about the past fifteen years, some prominent and influential American academics, mostly literature professors, have applied ideas about language and literature to sexuality rather than the other way around. This development has its origin in the complicated rift between hermeneutics and poststructuralism, and you have to understand that rift to understand how academia, and how society through academia, have sexualized everything.

Hermeneutics is the practice of reflecting on the way in which we interpret and understand meaning. Its operations are about as old as Western civilization; but a revolution in hermeneutics, and its advent as a discipline in its own right, took place in Germany in the early nineteenth century. That was when Friedrich Schleiermacher partially broke with the traditional idea that the goal of interpretation was understanding. Instead, Schleiermacher made understanding synonymous with interpretation; and so understanding, though still achievable, became an essentially unfinished and unauthoritative attainment, a series of provisional satisfactions in the course of an endless labor.

Modern hermeneutics, from Schleiermacher through Hans-Georg Gadamer's *Truth and Method* (1960), has run in two currents. The first was the gradual conditioning of meaning and value on the shifting templates of psychology, history, and, most of all, language. In this outlook, the self was always on the verge of cognitive calamity. But the second current was founded on a belief that mutual comprehension and shared values between people were possible. The so-called "hermeneutic circle"—to understand the whole, you have to grasp the parts, which changes your perception of the whole; to understand a part, you have to grasp the whole, which changes your perception of the part—was not a ceaseless flux. It was an affirmation that ultimate meaning exists as

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an elusive mystery, that it can be grasped in shards and echoes, and that the preservation of a secret itself communicates a cherishable meaning.

Gadamer borrowed many of his ideas from Heidegger, but Heidegger had sown the iron seeds of hermeneutical extremism. He lowered the boom on hermeneutics by raising the stakes: he made the hermeneutical enterprise synonymous with existence itself. For Heidegger, "Being" is the ultimate truth of existence: to go about the business of living in the deepest sense is to go about the business of interpreting truth and finally understanding it. Such "Being," however, is beyond rational articulation. So obscure, so mystifying, so all-encompassing is Heidegger's Being that, his vatic pretensions notwithstanding, it leaves nothing to interpret but other interpretations.

And this was the loftily regressive situation from which the French poststructuralists embarked. Dismissing Heidegger's foundation of Being as a quaint metaphysical holdover, they retained his assault on reason. They made their happy escape from shared meaning.

Poststructuralists disdain traditional hermeneutics, despite all that hermeneutics has taught poststructuralism about the conditional nature of cognition and judgment. The poststructuralists cannot forgive hermeneutics for never attaching itself to the "critique of ideology." As they see it, partly under the influences of Nietzsche and the Frankfurt School, the idea that people are fundamentally the same in their profoundest values is not ethically descriptive or prescriptive. It is, rather, a mask for a system of power, in which universalism is easily disappointed into leveling, murderous coercions.

Thus the French poststructuralists came to celebrate any expression of "difference": madness, crime, perversion, transgression, unmeaning, absence, silence. Foucault, Derrida, and Althusser differed in many respects, but together they broke the hermeneutic circle into an endless number of parallel lines that never meet. And they did not consider this step a sufficient obliteration of the traditional quest for stable, common meaning. Poststructuralism was still bothered by traces of the original hermeneutical belief that shared meaning and shared mystery could exist together. Enter the penises and the vaginas.

Sex is both the most explicit thing we do and the most secret. It is the most conventional thing, and potentially the most "other," the most "transgressive," in the sense that society does not accept all of the manifestations of sexuality. Indeed, for the poststructuralists, the

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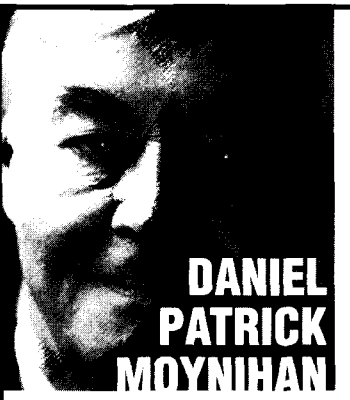

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secrecy of sex is the most consequential concealment of the actuality of "difference." Find the sex, and you will have found the seat of social and political authority. But authority is repression, and must be unmasked. And so the poststructuralists set out to make sex as indeterminate, as "other," as depleted, as they had made language.

This was their endgame: liberate by sex, and then liberate from sex. The dissolution of reason into the human juices marked its final disappearance. Queer theory, though nearly a decade old, is the thriving culmination of the poststructuralists' sexual turn. It contains all of that development's various influences and tendencies. Its scripture, its watershed source, is the first volume of Michel Foucault's *History of Sexuality*, which appeared in Paris in 1976, and in English translation in this country two years later. Foucault is to queer theory, and to the larger culture, what Freud has been to psychoanalysis, and to the larger culture.

II.

Of course, there was also the influence of the American scene. The legislation closing gay bathhouses and sex clubs, implemented at the height of the AIDS epidemic during the late '80s and early '90s, had a lot to do with the birth of queer politics and queer theory. Though many gays welcomed the regulations as life-saving and tragically overdue, "queers" saw them as attempts to suppress gay sexuality. Out of this controversy there arose anew the old 1960s conflict between gay reformers and gay liberationists, with the queers building on the ambitions of the latter. Driven by the engines of multiculturalism, the queer enterprise took off from there: queers use radical doubts about identity to revolutionize the idea of the "personal," just as, two or three decades ago, many present-day gay liberals used the radical certitudes of the personal to revolutionize the idea of the "political." Thus the ascendancy of queer theory over queer politics.

As the threat of AIDS has diminished, queer politics has subsided into what amounts to colorfully ineffective performance-groups, such as the one calling itself Sex Panic. But queer theory has gained in its sense of mission. Queer theoretical ideas have their roots in long-repressed aspirations for a universal sexual transformation; for a recognition of the ubiquity of homosexual desire; for an end to marriage and "sex roles"; for a unifying theory exposing connections between sexual oppression, economic inequality, and colonialist domination.

Like the liberationists of the '60s, queer theorists have a totalizing framework; but they have no truck with '60s notions of gay identity and gay pride. They wish to dissolve the categories of sexual identity and, with them, the way in which society has invested sexual identity with moral value, endorsing some sexual identities and stigmatizing others. Queers are engaged in a vast theoretical project of breaking up fixed sexual identities into the fluidity of sexual acts or practices. Instead of whom you have sex with, queer theory is interested in how you obtain sexual pleasure.

Queer denotes "genitality," masturbation, and "fisting"; cross-dressing, transvestitism, and sadomasochism; and especially the meaning-neutral and value-neutral "body." Queers regard this shift in emphasis as a shift in historical paradigm. As Donald Morton observes in "Birth of the Cyberqueer":

> Rather than as a local effect, the return of the queer has to be understood as the result, in the domain of sexuality, of the (post)modern encounter with—and rejection of—Enlightenment views concerning the role of the conceptual, rational, systematic, structural, normative, progressive, liberatory, revolutionary, and so forth, in social change.

Morton's casual identification of "normative" with "revolutionary," of "progressive" with "liberatory," is representative of some of the confusions and contradictions (and so forth) in queer theory.

A Small Boy and Others: Imitation and Initiation in American Culture from Henry James to Andy Warhol
by Michael Moon
(Duke University Press, 195 pp., $16.95)

Epistemology of the Closet
by Eve Kosofsky Sedgwick
(University of California Press, 258 pp., $16.95)

Between Men: English Literature and Male Homosocial Desire
by Eve Kosofsky Sedgwick
(Columbia University Press, 244 pp., $16)

Novel Gazing: Queer Readings in Fiction
edited by Eve Kosofsky Sedgwick
(Duke University Press, 518 pp., $21.95)

Saint Foucault: Towards a Gay Hagiography
by David M. Halperin
(Oxford University Press, 246 pp., $13.95)

Fear of a Queer Planet: Queer Politics and Social Theory
edited by Michael Warner
(University of Minnesota Press, 334 pp., $19.95)

For Eve Kosofsky Sedgwick, similarly,

> the now chronic modern crisis of homo/heterosexual definition has affected our culture through its ineffaceable marking particularly of the categories secrecy/disclosure, knowledge/ignorance, private/public, masculine/feminine, majority/minority, innocence/initiation, natural/artificial, new/old, discipline/terrorism, canonic/noncanonic, wholeness/decadence, urban/provincial, domestic/foreign, health/illness, same/different, active/passive, in/out, cognition/paranoia, art/kitsch, utopia/apocalypse, sincerity/sentimentality, and voluntarity/addiction.

And Michael Warner, in his introduction to a volume of essays called *Fear of a Queer Planet*, writes that

> every person who comes to a queer self-understanding knows in one way or another that her stigmatization is connected with gender, the family, notions of individual freedom, the state, public speech, consumption and desire, nature and culture, maturation, reproductive politics, racial and national fantasy, class identity, truth and trust, censorship, intimate life and social display, terror and violence, health care, and deep cultural norms about the bearing of the body.... Queers do a kind of practical social reflection just in finding ways of being queer.

With such gargantuan ambitions, it is no wonder that the ideal of queerness sometimes seems indistinguishable from the hormonal and glandular processes that make up sex itself. Indeed, for Sedgwick, "what it takes—all it takes—to make the description 'queer' a true one is the impulsion [sic] *to* use it in the first person." Identity and "impulsion"—that is, desire—fuse into a single entity.

And if Eve Sedgwick has escaped the prison of contradiction, then David Halperin has escaped the prison of definition. In *Saint Foucault: Towards a Gay Hagiography*, Halperin goes Sedgwick one better and announces that queer is "an identity without an essence." Queerness is fluid, even as it dreams of fluids. Halperin, too, has a vision of global change: "Queer ... envisions a variety of possibilities for reordering the relations among sexual behaviors, erotic identities, constructions of gender, forms of knowledge, regimes of enunciation, logics of representation, modes of self-constitution, and practices of community—for restructuring, that is, the relations among power, truth, and desire." Thus queerness, obsessed with transgression as the route to power, is finally a scatology in search of an eschatology. Michel Foucault, meet Norman O. Brown.

Naturally, the queer utopians reject the compromising liberal finitude of equal rights and equal protection under the law. They wish to "queer" society, to expose the essential "queerness" of

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MYTH: Marijuana is a gateway drug.

FACT: For every 104 people who have used marijuana, there is only one regular user of cocaine and less than one heroin addict. (1)

MYTH: Marijuana is addictive.

FACT: Less than one percent of people who consume marijuana do so on a daily or near daily basis. An even smaller minority develop dependence on marijuana. Withdrawal symptoms, if experienced at all, are mild. (2)

MYTH: Marijuana lowers motivation.

FACT: For twenty five years, researchers have searched for a marijuana-induced amotivational syndrome and have failed to find it. Of course, people who are constantly intoxicated, no matter what the drug, are not likely to be productive. (3)

MYTH: Higher concentrations of THC make marijuana more dangerous.

FACT: There is no possibility of fatal overdose from smoking marijuana, regardless of potency. High potency marijuana may be less harmful to the lungs because people can use less to achieve the desired effects. (4)

MYTH: Marijuana causes brain damage.

FACT: No medical test used to determine brain damage has indicated brain damage in humans who use marijuana — even after long-term use. (5)

So, why did we arrest 642,000 Americans last year for marijuana offenses?

SOURCES: **(1)** Department of HHS, *National Household Survey on Drug Abuse*, 1997. **(2)** Department of HHS, *National Household Survey on Drug Abuse*, 1997; Jones, r.t. et al, "Clinical Relevance of Cannabis Tolerance and Dependence," *Journal of Clinical Pharmacology* 21:143-526 (1981). **(3)** Pope, H.G. et al, "Drug Use and Life Style Among College Undergraduates in 1989: A Comparison With 1969 and 1978,: *American Journal of Psychiatry* 147:998-001 (1990); Kandel, D. et al, "The Impact of Drug Use on Earnings: A Life-Span Perspective," *Social Forces* 74:243-270 (1995). **(4)** Department of Health and Human Services, "Marijuana and the Cannabinoids," pp., 131-44 in *Drug Abuse and Drug Abuse Research*, Third Triennial Report to Congress from the Secretary (1991). **(5)** Hannerz, J. and Hindmarsh, T. "Neurological and Neuroradiological Examination of Chronic Cannabis Smokers," Annals of Neurology 13:207-10 (1983); Stuve, F.A. and Straumania, J.J., "Electroencephalographic and Evoked Potential Methods in Human Marijuana Research Historical Review and Future Trends," *Drug Development Research* 20: 369-88 (1990).

A complete discussion of the effects of marijuana is available from *Marijuana Myths / Marijuana Facts: A Review of the Scientific Evidence* by Lynn Zimmer, Ph.D. and John Morgan, M.D. available from Bookworld Services 1-800-444-2524.

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everyone and everything. Queers do not want a place at the table. They want universal acknowledgment that the table has three legs. And yet, in queer writing, "queerness" always comes down to being gay. Worse, it often seems that calling oneself queer is a tactic for not acknowledging that one is merely gay, for not shouldering the burdens of coming out or the responsibilities that come with accepting the inevitable reality of a sexual identity and getting on with the rest of life.

Queers defiantly want to bring the closet out into public view while adamantly refusing to leave it. That is why queers take the premises of gay identity politics to an extreme and proclaim an unending "politics of difference." They adopt the ugly slur "queer" so as to keep the gap between gay people and straight people wide and yawning, especially when it is in danger of being bridged. Yet their project of "queering" society, politics, history, and literature is the expression of a terrible fear of difference.

III.

In *The History of Sexuality, Volume I*—again, the bible of queer theory—Foucault offered a chastening and disheartening diagnosis of the situation of sexuality in society. His American followers have turned his pessimism into a prescription for a better world.

For Foucault, modern society controls erotic life by broadcasting through various channels ever-evolving definitions of sexuality. Foucault called this complex network of domination the "deployment of sexuality." Such a process is part of the modern "discursive regime" that, like earlier discursive regimes throughout history, imposes what we take to be our identity through a web of social customs, moral and linguistic conventions, and official bodies of knowledge.

Yet the domination is not all on one side. It is everywhere. In constructing types of sexuality—one man's simple desire for another man, say, becomes stigmatized as "homosexuality"—modern society also gives people an outlet for expressing their erotic desires through these regulated constructions. And so the Freudian model of repression is a false one. There is no "natural" sex urge that requires only to be sprung from confinement. Modern society will go on constructing desire from all points. It will go on simultaneously legitimizing, stigmatizing, regulating, and making available an assortment of sexualities, which themselves will demand a greater freedom of expression, but always through constructed and regulated channels of desire.

With such a vision of life, Foucault obviously had no hope for a redeemed and perfected erotic world. He had a virtually pagan view of history as cyclical and non-progressive. Of the discursive regimes cycling discontinuously through history there is no end. And there is no relief from the modern deployment of sexuality. That is why, toward the end of his life, Foucault found philosophical solace in the Stoic philosophers' ethic of self-cultivation through self-discipline. (Practically, he found it in sadomasochism's highly aestheticized rituals.)

Not surprisingly, Foucault held sexual liberationists in contempt. He ends *The History of Sexuality, Volume I* by declaring that "the irony of this deployment [of sexuality] is in having us believe that our 'liberation' is in the balance." Elsewhere in the same volume, he writes that "we must not think that by saying yes to sex, one says no to power." He disdains the modern tendency to think: "sex, the explanation for everything." He laments the "austere monarchy of sex," the way in which we have "become dedicated to the endless task of forcing [sex's] secret, of exacting the truest of confessions from a shadow." He regards it as pathetic that "we demand [of sex] that it tell us our truth." He believed (as did Christopher Lasch) that the most potent modern construction of sexuality was the endless Freudian-derived therapeutic obsession with sexuality.

Just as Heidegger wanted to return to a pre-Socratic purity of being, Foucault wanted to return to ancient pleasures, to a moment before the deafening modern invention and regulation of sexuality. He thought (bless him) that the time had come to stop thinking about sex. "The rallying point for the counterattack against the deployment of sexuality," this great pessimist wrote at the conclusion of *The History of Sexuality, Volume I*, with typical hyperbole, "ought not to be sex-desire, but bodies and pleasures." And the site for his "counterattack" was precisely the Stoic philosophers' faith in the private conditioning of private appetites.

Yet Foucault's followers, consecrated to absolute fluidity, prefer to ignore all this. "Foucault's 'self' ... is not a personal substance," Halperin inanely insists in *Saint Foucault*, "or essence, but ... a strategic possibility." And here is how Gayle Rubin uses Foucault in "Thinking Sex," one of the seminal essays behind queer theory, published in 1984: "The time has come to think about sex.... Contemporary conflicts over sexual values and erotic conduct ... acquire immense symbolic weight. Consequently, sexuality should be treated with special respect in times of great social stress." You can hear the ghostly laughter wafting all the way down the Boulevard Saint-Germain.

This is where Eve Kosofsky Sedgwick, the mother of queer theory, and her chief disciple Michael Moon come in. Sedgwick's *Between Men: English Literature and Male Homosocial Desire* (1985) and *Epistemology of the Closet* (1990) are the keystones of queer thinking. In her books and her essays, she does not, like Gayle Rubin, make the semantic mistake of "thinking sex." Instead of saying yes to sex as a way of saying no to power, Sedgwick says yes to "bodies and pleasures" as a way of saying no to power. She makes "bodies and pleasures" the explanation for everything, dedicates herself to the endless task of forcing the secret of "bodies and pleasures" from a shadow, and demands that "bodies and pleasures" tell us our truth.

In other words, she ends up like Rubin anyway, deploying the very deployment of sexuality that Foucault decried as a noisy plague on the erotic life. It is a dead end spawned by Foucault himself, though he turned to Greece and Rome and left his contradictions behind. Yet Sedgwick is in total intellectual and unironic servitude to what she has made of Foucault. From three different works by Sedgwick, written over the course of seven years: "Foucault's demonstration, whose results I will take to be axiomatic...."; "A span of thought that arches at least from Plato to Foucault...."; "the gorgeous narrative work done by the Foucauldian paranoid, transforming the simultaneous chaoses of institutions into a consecutive, drop-dead-elegant diagram of spiralling escapes and recaptures...."

A lot has been written about the influence of Nietzsche and Heidegger on Foucault, but I don't believe anyone has pointed out the significant influences of French film and the *nouveau roman*. (Foucault's name probably first appeared in an American publication in 1963, in an essay that Susan Sontag published in *Partisan Review* on Nathalie Sarraute and the *nouveau roman*, where he pops up last in Sontag's list of French commentators on that new literary style.) Like Robbe-Grillet, Sarraute strove for a zero-degree objectivity that would reveal a zero-degree subjectivity. Robbe-Grillet wished for "the possibility of presenting with all the appearance of incontestable objectivity what is ... only imagination." He invited the reader to supply gaps in meaning with the reader's own meaning; he juxtaposed isolated objects or "shots"; he plausibly imposed a crazy illogic. And he found in film the most felicitous vehicle for such expression.

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Shortly after Robbe-Grillet publicized his ideas, Foucault began to offer his own. He insisted on filling in history's silences with the meanings that he chose for them; and he explained an entire society and culture by isolating from its context a cultural practice or institution; and he rested his rationally presented judgments on his presumption of a universal irrationality. That is to say, Foucault became the first cinematic philosopher. He jump-cut around history.

This is exactly the intellectual style that Sedgwick has adopted in her weirdly mechanistic language. (You will find her matter-of-factly mentioning "adult/child object choice," for example, as just another option on the erotic menu.) She "presents with all the appearance of incontestable objectivity what is . . . only imagination." And this is fine, because—remember—"all it takes to make the description 'queer' a true one is the impulsion to use it in the first person." So all it takes to find a particular meaning in a literary work is the impulsion to wrench it from "silence"; to isolate it from anything else in the work; and then simply to say, in defiance of all common sense, that it is there.

Once you isolate this particular meaning from its organic connections to the rest of the work, moreover, you may connect it to everything in the universe outside the work. This is because all identity and meaning are socially constructed, and because the way in which these constructions are fashioned and imposed is the key to all private and public "realities" in modern life. After all, Foucault says so. And what results from this sort of criticism is the "queering" of literature.

IV.

Consider Sedgwick's reading of this passage from Henry James's *Notebooks*, written during a visit to California when he was sixty-two:

> I sit here, after long weeks, at any rate, in front of my arrears, with an inward accumulation of material of which I feel the wealth, and as to which I can only invoke my familiar demon of patience, who always comes, doesn't he?, when I call. He is here with me in front of this cool green Pacific—he sits close and I feel his soft breath, which cools and steadies and inspires, on my cheek. Everything sinks in: nothing is lost; everything abides and fertilizes and renews its golden promise, making me think with closed eyes of deep and grateful longing when, in the full summer days of L[amb] H[ouse], my long dusty adventure over, I shall be able to [plunge] my hand, my arm, *in*, deep and far, and up to the shoulder—into the heavy bag of remembrance—of suggestion—of imagination—of art—and fish out every

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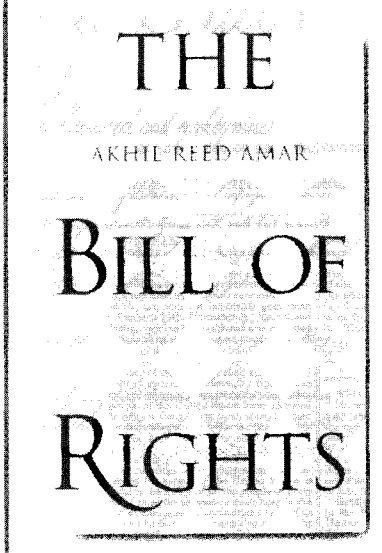

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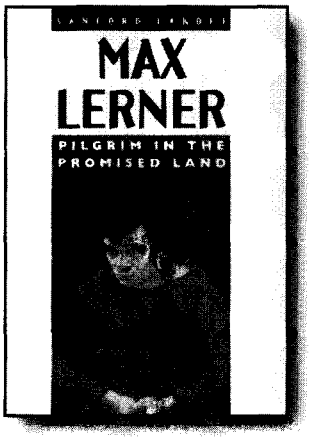

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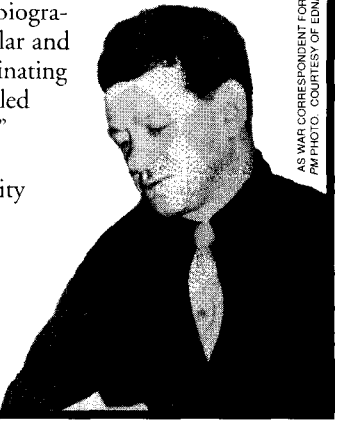
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little figure and felicity, every little fact and fancy that can be to my purpose. These things are all packed away, now, thicker than I can penetrate, deeper than I can fathom, and there let them rest for the present, in their sacred cool darkness, till I shall let in upon them the mild still light of dear old L[amb] H[ouse]—in which they will begin to gleam and glitter and take form like the gold and jewels of a mine.

For Sedgwick, this passage about the importance of reaching down into memory for literary creation is not about the importance of reaching down into memory for literary creation. No, the passage "shows how in James a greater self-knowledge and a greater acceptance and *specificity* of homosexual desire transform this half-conscious enforcing rhetoric of anality, numbness, and silence into a much richer, pregnant address to James's male muse, an invocation to fisting-as-*écriture*." Why, in heaven's name, did James hang fire on this topic for so long? Similarly, in *Wings of the Dove*, we find an older and wiser James "placing the reader less in identification with the crammed rectum and more in identification with the probing digit." Don't ask.

Sedgwick sees in history's silences an extraordinary amount of shit. (*Wings of the Pigeon.*) And it is all there because Sedgwick sees it there. And because she is "queer," marginal, "perverse," stigmatized, what she has seen has not been hitherto overlooked, it has been hitherto silenced, just as the queer Henry James had to silence himself. So now the real James (never mind that identity is constructed) will be heard; and now you will listen to Sedgwick because she has truth and virtue (never mind that all meaning is constructed) on her side.

Sedgwick might go fancily on about how "queer" means so many different things, about how "genitality" is the antidote to the constrictions of "sexual identity," but her project always comes down to outing authors through their writing—to liberating them from their repressive historical moment. Needless to say, Henry James is the obsessive favorite for Sedgwick. His enigmatic sexuality makes him such a rich occasion for an analysis of the way in which "heterosexist" society buries same-sex desire under "compulsory" sexualities. And if no one knows for sure what James's sexuality was—alas, all we have are the novels, stories, essays, notebooks and so forth—all the better. A hoarding, secretive anal eroticism can become James's calling card.

The legion of Sedgwick's disciples have adopted the anal strategy as their own, too. In *Novel Gazing: Queer Readings in Fiction* (1997), a collection of essays edited by Sedgwick, the Duke University graduate student John Vincent alerts us to the "face/butt metonymy" in Swinburne's poetry. Yet it is the rectum of the Master, brutally robbed of speech by history, in which one finds a veritable buried treasure of "recuperative" meanings. Here is the Duke University graduate student Renu Bora writing about James, also in *Novel Gazing*:

> I picture James's head hovering over a consummated toilet, a glossy, smooth turd lolling in the waters, pride summoning lost pleasures. Perhaps it "passed" (a favorite James term) too perfectly. Perhaps it was less than slippery, and he gripped it within his bowels like a mischievous boy, playing peekaboo with the exit, hiding it upstairs, clinging to it as to a departing lover. Perhaps this dream only teased him.

The turd of independent minds.

Thus queer theory is partly about the more militant gay-liberationist goals of the 1960s "passing" into the tortured textual readings of the 1980s and the 1990s. Consider Sedgwick's theory of "homosocial desire." Propounded in 1985 in *Between Men*—it is more a feminist work than a queer one, with a faint but definite homophobic undercurrent—Sedgwick's theory rocked the groves of academe. It is not complicated. It holds that homosocialness derives from a sentence in Lévi-Strauss's *The Elementary Structures of Kinship*, quoted by Sedgwick in *Between Men*: "The total relationship of exchange which constitutes marriage is not established between a man and a woman, but between two groups of men, and the woman figures only as one of the objects in the exchange, not as one of the partners."

Of course, Foucault is not far behind in Sedgwick's use of Lévi-Strauss. This, again, is because Foucault stressed the importance of making history's silences speak: "There is not one but many silences, and they are an integral part of the strategies that underlie and permeate discourses." That, for queer theory, is the *carte blanche* that launched a thousand *bêtes noires*. What meaning is being suppressed in Lévi-Strauss's formulation? Well, what meaning would you like him to be suppressing?

For Sedgwick, the analytical prize is this: men really desire each other, but society's prohibitions against homosexuality force them to repress that desire. Instead they marry women and channel their homosexual impulses into keeping women subordinate through marriage, while using marriage as a means to bond with other men for social advantage. The homosocial element lies in this bonding, which also causes homosexual panic whenever the forbidden homosexual impulse rises to the surface. In such a way, the entire structure of Western capitalism (Sedgwick looks to English literature to prove her theory, but she makes it obvious that she thinks it applies to Western civilization in general) is supported by a frustration of homosexual desire.

Thus *Between Men* extracts its peculiar argument from one sentence in the work of a French structural anthropologist, who in fact never could prove the general truth of the proposition expressed in that sentence, and never returned to it. And even riskier is Sedgwick's combination of Lévi-Strauss and Foucault. For Foucault saw the absurdity of applying the former's notion of primitive kinship structures to modern society long before Sedgwick went ahead and applied it. As Gayle Rubin puts it in "Thinking Sex," in a passage paraphrasing Foucault, "kin-based systems of social organization ... [are] surely not an adequate formulation for sexuality in Western industrial societies."

But—and this is where things really get confusing—Rubin herself had used Lévi-Strauss's theory in just such a way a decade before, in an essay called "The Traffic in Women." In *Between Men*, Sedgwick acknowledges Rubin's earlier use of Lévi-Strauss's idea, even though Rubin had already disowned that idea and exposed its illogic. Don't these people have e-mail? This is the kind of thing that Michael Warner has in mind when he celebrates queer theory's "focus on messy representation."

Sedgwick cites also another important source for her theory of homosocial desire. It is Freud's essay on Dr. Schreber and "the mechanism of paranoia." Along with countless references to masturbation ("the Aesthetic in Kant is both substantively indistinguishable from, and at the same time definitionally opposed against, autoerotic pleasure") and to our friend the rectum, the subject of Freud's treatment of Schreber's paranoia appears throughout Sedgwick's work.

Freud notoriously claimed that all paranoia derived from an individual's repression of homosexual desire. Schreber's feeling that he was being persecuted by another man arose, for Freud, from Schreber's hidden desire for that man. Here is Freud's formulation of the paranoiac process: "The proposition 'I (a man) love him' is contradicted [repressed] by ... 'I do not *love* him—I *hate* him.' ... [T]he proposition 'I hate him' becomes transformed by *projection* into another one: '*He hates* (persecutes)

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me,' which will justify me in hating him.'"

Such psychic slipperiness enables Sedgwick, in *Between Men*, to cite Freud on Schreber as justification for the way in which "this study discusses a continuum, a potential structural congruence, and a (shifting) relation of meaning between male homosexual relationships and the male patriarchal relations by which women are oppressed." In other words, Sedgwick can find homosocialness anywhere she wants to find it.

Of course, by adopting Freud's theory, Sedgwick gets herself tangled up again. For if men marry women—or simply have sex with women—both to suppress their desire for each other and to bond with each other for social advantage, they can hardly be expressing, at the same time, their hatred for each other. Not to mention the fact that if Schreber's case exemplified homosocialness, society would fall to pieces in a New York minute. And what about mere friendship between men who do not desire each other sexually? Or genuine love and passion between men and women? But no matter. So Sedgwick contradicts herself. Queer theory contains multitudes.

Interestingly, Sedgwick's use of Schreber reverses Whitman: "And what I assume you shall assume,/For every atom belonging to me as good belongs to you." Queer theorists adore Whitman, but they are democracy's dark side. For their flaunting of their "difference" is driven by their belief that everyone is, or must be, the same as them—a belief that they find continually frustrated. The queer theorist's conviction that everyone desires everyone else is the obverse of the queer theorist's mission to accuse everyone of desiring everyone else. Perhaps that is why queer theory is flourishing at a moment when, in our culture, sexual recrimination has become a more instantly gratifying form of sexual indulgence.

V.

Eve Kosofsky Sedgwick has complained about being "misspelled, misquoted, mis-paraphrased" by journalists who "wouldn't have been caught dead reading my work: the essay of mine that got the most free publicity, 'Jane Austen and the Masturbating Girl,' did so without having been read by a single one of the people who invoked it . . . the attacks on me personally were based on such scummy evidential procedures." I'm sure she's right. Sedgwick is one of the most influential academics at work today, and no one seems to read her closely, if at all. Still, if you do stay patiently and carefully with her writing, you find yourself in a twisting labyrinth of mad interpretations.

Or is it that she does not read well, and took up theory and concocted those deliberately outrageous essay-titles to disguise her deficiency? The first literary reading in *Between Men*, of Shakespeare's sonnets, is typical of the way that Sedgwick does literary criticism. Of the 154 sonnets, remember, the first 126 are addressed to a "fair youth," and all the rest but the last two spoken to the legendary "dark lady." The first part famously has a homoerotic undercurrent; but the poet also urges the fair youth to find a woman, marry, and have children.

As always, Sedgwick begins by laying down the theoretical framework. She adduces René Girard's notions of triangular desire. Marx appears. Lévi-Strauss-ian binaries are posited and then deconstructed. There is an enveloping aroma of Foucault ("while genital sexuality is a good place to look for a concentration of language about power relationships. . . ."). Connect, connect, connect. She freezes the camera on "Marilyn Monroe": "the speaker treats the youth, rhetorically, as a dumb blonde." Isolate, isolate, isolate. The line "Thou single wilt prove none" does not mean, as it usually is taken to mean, that without marriage the young man will be alone, or will have no heirs. Rather, it means "essentially the same thing as the brutal highschool-boy

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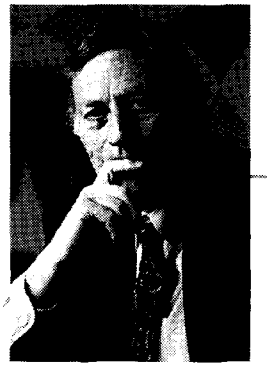

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axiom, 'Use it or lose it.'" Masturbation, as usual, appears; even though it actually is absent. Sedgwick claims that the dark lady is masturbating, and then she compliments herself for saying so by giving Shakespeare a pat on the back: "to attribute masturbatory pleasure to the woman is unusual in these poems—unusually benign and empathetic, I would say."

And then we get the essay's premise, which is also the essay's foregone conclusion: with the dark lady sonnets, "we are in the presence of male heterosexual desire, in the form of a desire [i.e., homosexual desire] to consolidate partnership with authoritative males in and through the bodies of females." This, Sedgwick tells us, is the significance of the phrase "the bay where all men ride," which the poet employs in trying to seduce the dark lady. The poet does indeed mean that the thought of other men having been in the dark lady's "bay" arouses him. But not for Sedgwick. She explains that if the poet's certainty that the dark lady has been with other men excites him, it must be because he has homosexual impulses. Never mind that men might like promiscuous women for another reason.

Sedgwick's vaulting reductions do not only narrow the range of interpretive possibilities. They also narrow the range of erotic possibilities. And then there remains the biggest question that Sedgwick's elaborate cookie-cutter method of reading raises: Why would the poet want to use a common wench like the dark lady—she has, he tells us, a cumbersome gait, a bad complexion, and horrible breath—to bond with "authoritative males" when he has already "bonded" with the obviously powerful and high-born fair youth (who was also Shakespeare's patron)? And why would anyone want to write 154 sonnets about a business transaction, anyway? All Sedgwick tells us is that "male homosexual bonds may have a subsumed and marginalized relation to male heterosexuality similar to the relation of femaleness to maleness, but different because carried out within an already dominated male-homosocial sphere." Foucault disseminated his generalizations with a lot more flair; and he never dreamed of applying them to literature.

One of Sedgwick's most influential essays treats "The Beast in the Jungle," Henry James's long story about a monstrously selfish man who cannot see that his woman friend's unrequited love for him is slowly killing her. John Marcher binds May Bartram to him by sharing with her his terrifying fantasy of a "beast in the jungle" waiting in the future to pounce on him. It will be an event that could destroy him, he fears. And it is why he must indefinitely postpone his participation in life.

John Marcher consumes May Bartram with his asocial musings; and she begins to waste away and dies. At the story's famous conclusion, he visits her grave in the cemetery, sees another mourner, a man, and envies him his impassioned grief. He realizes that he has lived a life without passion or human meaning and that "the escape would have been to love" May Bartram, but that he had only thought of her "in the chill of his egotism and the light of her use." Hallucinating, he sees the beast about to leap on him, and flings himself face down on May Bartram's grave.

Sedgwick called her essay "The Beast in the Closet" and made it the centerpiece of *Epistemology of the Closet.* Her argument is that Marcher, compelled by society to pretend that he is heterosexual, has been emotionally and sexually paralyzed by homosexual panic. Such repressed desire is symbolized by the beast in the jungle, what the narrator also refers to as Marcher's "secret." And rather than being in love with Marcher, May Bartram spends the entire story trying to help him become gay so that he might find emotional and sexual happiness with another man. What a fine woman.

Sedgwick is bothered by the conventional interpretation of James's story. It is, she believes, patriarchal, misogynist, and homophobic. The critics who offer it have the audacity to "reunite" James and his protagonist "in the confident, shared, masculine knowledge of what she [May Bartram] Really Wanted and what she Really Needed. And what she Really Wanted and Really Needed show, of course, an uncanny closeness to what Marcher Really (should have) Wanted and Needed, himself." The critics, in other words, assume that May was in love with Marcher, and that ignoring her love spelled his spiritual doom.

In rebuttal, Sedgwick offers up the standard isolated moments. There are coyly knowing allusions to James's use of the word "queer." And there is personal testament: "To speak less equivocally from my own eros and experience, there is a particular relation to truth and authority that a mapping of male homosexual panic offers to a woman in the emotional vicinity." There is also the display of virtuous politics: the tale follows "a classic trajectory of male entitlement." And there is insider chit-chat: the encounter in the cemetery with the other mourner reveals "a slightest potential of Whitmanian cruisiness."

And there is, as usual, a swaddling intellectual dependency. Sedgwick applies to literature every theoretical platitude that she has ever gathered. She is banal-retentive. For her, the cemetery encounter actually describes Marcher's sexual desire for the other mourner, which he represses and converts into paranoia and envy: "Marcher's closet-sharpened suspicions." (Freud on Schreber.) The other mourner's loss is "the castratory one of the phallus figured as mother." (Lacan.) And the story itself—"For John Marcher, let us hypothesize, the future secret.... I hypothesize that what May Bartram would have liked for Marcher, the narrative she wished to nurture for him"—comes down to Marcher's liberation from "*compulsory* heterosexuality." (Adrienne Rich, "Compulsory Heterosexuality and Lesbian Existence.") You won't find these annotations in Sedgwick's essay.

The beast in James's jungle cannot possibly be Marcher's repressed homosexuality. I do not say so from my own eros and experience. I am not a silencing, homophobic maniac. I merely insist, as a consequence of what I see on the printed page, that James wants the beast to refer to the love that Marcher could have with May, and also to the despair that afflicts him when he proves indifferent to such a possibility. We learn that the beast is "the deepest thing within" Marcher; we also learn that Marcher first met May years before, at an excavation site in Pompeii. And in the story's very first sentence, May's speech "startles" Marcher, just as he expects to be shocked by the beast.

Consider also the remarkable way in which James associates variations on the words "spring" and "to spring" with both the spring-like May and the beast. Her relationship with Marcher had "sprung into being with her first penetrating glance." Standing by May's grave, Marcher "rested without power to move, as if some spring in him ... had been broken forever." And the name Marcher, of course, alludes to the month when spring holds out hope beyond winter. As for the beast:

> The Beast had lurked indeed, and the Beast, at its hour, had sprung; it had sprung in that twilight of the cold April when, pale, ill, wasted, but all beautiful, and perhaps even then recoverable, she [May] had risen from her chair to stand before him and let him imaginably guess [that she loves him]. It had sprung as he didn't guess; it had sprung as she hopelessly turned from him, and the mark, by the time he left her, had fallen where it *was* to fall.

From spring to fall: "The Beast in the Jungle" is, among other things, about a May–December romance that never was. In "recuperating" James's identity as

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a closeted homosexual (I have always assumed that he was one), Sedgwick erases his identity as an artist.

How does Sedgwick get away with this awful stuff? Her success is owed in part to her intermittent use of a reveal-all-hurts-and-wounds style of writing. After all, winning a reader's sympathy (as opposed to earning a reader's respect) is now a certified rhetorical stratagem; and the literary critic, too, has her uses for the confessionalism of the day. It enables her to write unsympathetically about subjects that have an elusive complexity. And anyone who cavils is vicious; an anti- or a -phobe.

> I can say generally that the vicarious investments most visible to me have had to do with my experiences as a woman; as a fat woman; as a nonprocreative adult; as someone who is, under several different discursive regimes, a sexual pervert; and, under some, a Jew.
>
> As a child, I hated and envied the frequent and apparently dégagé use my parents liked to make of the word *humiliating*, a word that seemed so pivotal to my life that I could not believe it could *not* be to theirs.

Sedgwick's preternatural sense of alienness is perhaps why she is so convinced that the "scummy evidential" reaction to "Jane Austen and the Masturbating Girl" reflected a dangerous opposition to onanism. True, she gravely concedes that "today there is no corpus of law or of medicine about masturbation; it sways no electoral politics; institutional violence and street violence do not surround it, nor does an epistemology of accusation." No, thank God, there is no street violence surrounding masturbation today. Still, trouble is brewing:

> Yet when so many confident jeremiads are spontaneously launched at her explicit invocation, it seems that the power of the masturbator to guarantee a Truth from which she herself is excluded has not lessened in two centuries. To have so powerful a form of *sexuality* run so fully athwart the precious and embattled sexual *identities* whose meaning and outlines we always insist on thinking we know, is only part of the revelatory power of the Muse of masturbation.

And yet, despite all the forces of darkness gathering out there, I have to report that "Jane Austen and the Masturbating Girl" does not live up to its promising title. And it is promising. For why shouldn't a literary critic write about masturbation? Or, for that matter, about rectums and excrement? Norman O. Brown's chapter called "The Excremental Vision" in *Life Against Death* analyzes with brilliance, wit, and style the role of the anus and human feces in Swift's writing. For the analysis of masturbation, I envision an essay starting with Rousseau

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and the connection between his idea of a totalizing "general will" and his bouts of masturbation; and moving on to Rilke's aimless, unemployed hands in the *Notebooks of Malte Laurids Brigge*; and then to Kafka's *The Trial*, where the words "hand" or "hands" are repeated dozens of times in a sophisticated, ironic burlesque of sexual and romantic frustration; and finally to Gide's *The Counterfeiters*, in which a young boy named Little Boris, a compulsive masturbator, kills himself.

It may be Sedgwick and her crowd are not comfortable with how great writers have consciously set out to portray one of the queers' favorite topics. Anyway, Sedgwick on Austen does not illuminate. I spent an entire, evidentially motivated day immersed in her fantasy about *Sense and Sensibility*. The essay's "point," if you can call it that, is that Marianne Dashwood's emotional and psychological distress is the result not of her rebuff by Willoughby, but of, yep, masturbation.

Sedgwick's argument consists of quoting a series of excerpts from a French medical text written about one hundred years after Austen wrote *Sense and Sensibility*. The author is one Demetrius Zambaco—a figure whom Sedgwick never discusses or even identifies—who describes what he believes are the effects of masturbation on two young girls. Some of these effects strikingly resemble Austen's dramatization of Marianne's malady. And therefore, Sedgwick reasons, Marianne must be masturbating.

Such an arcane analogy alone would be a shaky enough basis for an argument about literature and life. Worse, it appears that Sedgwick stumbled. Three years before Sedgwick delivered her paper on Austen to the MLA in 1989, Zambaco was exposed as a fraud by none other than Jeffrey Mousaieff Masson in *A Dark Science: Women, Sexuality, and Psychiatry in the Nineteenth Century*. The volume is a collection of nineteenth-century clinical writings that includes Zambaco's full text, and a preface by Catherine MacKinnon. Yet Sedgwick went right ahead and published her paper in 1991 without making the slightest reference in her arguments to Masson's book, even to rebut him. She didn't even revise her paper to identify Zambaco. She merely mentioned Masson's volume in passing, in a brief footnote.

Sedgwick's evasiveness is understandable. For, according to MacKinnon, Zambaco and the other writers in Masson's book "trade in half-truths." Their "diagnoses are not true because their etiology ... is not true." Zambaco is a "sadomasochist." Masson writes that "Zambaco's view about the sexuality of the two girls is a fantasy"; and he considers Zambaco's text to be "shockingly brutal, offensive, and pornographic." It's impossible to disagree: Zambaco's treatment consisted of repeatedly applying a red-hot iron to the clitoris of one of the girls, until the patients were removed from his care. But Sedgwick uses Zambaco's diagnosis of the two girls' condition as a justification for her view that Austen is describing a similar condition for Marianne. In other words, Sedgwick believes that the sadistic, misogynistic doctor and the exquisitely profound novelist share the same understanding of women. This is the fumbled connection at the core of Sedgwick's notorious essay.

Oh, she does try to connect Marianne's masturbation with a lesbian relationship between Marianne and her sister Elinor, though "connect" is, in this context, far too merry a word:

> Is this, then, a hetero- or a homoerotic novel (or moment in a novel)? No doubt it must be said to be both, if love is vectored toward an object and Elinor's here flies toward Marianne, Marianne's in turn toward Willoughby.... Even before this, of course, the homo/hetero question is problematical for its anachronism ... if we are to trust Foucault, the conceptual amalgam represented in the very term "sexual identity," the cementing of every issue of individuality, filiation, truth, and utterance *to* some representational metonymy of the genital....

And if Sedgwick could demonstrate that Marianne Dashwood has been masturbating—say, by the miraculous discovery of a letter from Jane to her sister Cassandra ("Mr. Plumptre walked home with us yesterday & ate soup and talked of Chawton—this morning after breakfast destroyed entire *chapter* with wedding of Marianne and Digit—Henry dines tonight with Mr. Digwood")? It would be like demonstrating that at a certain point in the novel Marianne is sitting on a chair rather than on the sofa upon which generations of scholars have believed her to be sitting. The novel would still be waiting to be read. And Marianne would still be in love with Willoughby, not with her finger.

Curiously, since Sedgwick published her essay on Jane Austen in 1991, she has more and more come to sound like the anti-Sedgwick. Consider her interest in Silvan Tomkins. (In 1995, she co-wrote the long introductory essay for *Shame and Its Sisters: A Silvan Tomkins Reader*, a volume that she also co-edited.) Tomkins was, essentially, an eccentric behavioral psychologist who, among other things, drew up personality evaluation tests for the Educational Testing Service. That is to say, he was just the sort of psychological expert that Foucault spent his life trying, fairly or unfairly, to expose. Yet Tomkins is also another kind of perfect guru for Sedgwick. For one thing, he describes sex in Sedgwick's mechanistic ("if love is vectored toward an object") and abstract terms. An excerpt from Tomkins:

> Many normal adults ... utilize genital interpenetration as a way of heightening the oral incorporative wish or the earliest claustral wish. Sexual intercourse, as we shall see, lends itself as a vehicle to every variety of investment of social affect.

In other words, sex is an effect of affects. And the most primary "affect," for Tomkins, is shame. By using Tomkins, then, Sedgwick makes her publicly proclaimed feelings of "humiliation" theoretically more fundamental than the impossibly complicated matter of sex.

And this is what Sedgwick and the queer theorists seem to have wanted all along: to turn the "body" ("the two writing bodies of Marx and Engels," says Michael Warner) into an impersonal, quantifiable spaceship in which they can flee from the emotional and psychological tumult of sex. That is, from themselves. Perhaps such a self-disowning is why, in the introduction to her book on Tomkins, published in 1995, Sedgwick sardonically turns against even Foucault.

> Some consequences of such readings of Foucault: The most important question to ask about any cultural manifestation is, *subversive* or *hegemonic*? Intense moralism often characterizes such readings.

But this is precisely the earth-shaking question that Sedgwick had been asking for her entire career! From Shakespeare to Jane Austen to Henry James: Sedgwick has subjected one literary work after another to an intensely moralizing interpretation.

Sedgwick may or may not be "straight," but she sure is full circle. For just as the homophobe strips the homosexual person of his human amplitude—the queer particularity of selfhood—and reduces him to his sexual practices, Sedgwick and her colleagues strip the homosexual person of his human amplitude and reduce him to his sexual practices. That is why the more you read the queers, the more their idea of "queer" sounds like a new kind of oppressive "normalcy."

VI.

Why am I being so hard, so mean? Because the result of Sedgwick's inestimable influence has been, among her followers—all of whom either are college teachers or will someday be college teachers—a deadness, not just to beauty and fineness of perception and fragile inner life, but also to human suffering. Michael Moon's new book,

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A Small Boy and Others, is interesting only as an illustration of this.

Of the seven chapters of Moon's book, three are concerned with Henry James. (*A Small Boy and Others*, in fact, is the title of one of James's autobiographies.) In James's wonderful story "The Pupil," the touching and fairly uncomplicated relationship between a tutor and a young boy named Morgan in his care reveals, in Moon's expert hands, each one's sexual desire for the other. The story is not about what James seems to have meant it to be about: two injured souls supporting each other amidst the shabbily genteel Moreens' cruel manipulations of both the tutor and their son. And it is the boy's mother, Moon has discovered, who has extended to the tutor the "invitation to desire Morgan." This, Moon tells us, is because the mother herself has probably been engaging in incest with her eleven-year-old boy.

Moon works up this last point by patiently and calmly explaining that the "*gants de Suède*" that Mrs. Moreen draws through her hands are made of a material that is described as "undressed kid" in "English-language guides to proper dress from midcentury forward." And "kid," Moon discloses, also means "child." (Impressive references to William Morris and the Earl of Shaftesbury drive home this point.) "Undressed kid," therefore, means "undressed child." Get it?

It follows from this that, in having Mrs. Moreen draw her gloves through her hands, James wants us to understand that she is unconsciously reenacting sex with her son. What role incest plays in this story, though, Moon never tells us. He merely "recuperates" it in this one isolated moment. And he never returns to it, which is not surprising, since a work of art can no more be split up into atomized particles than pleasure can be isolated from emotion, meaning, and value.

As if to acknowledge this technical obstacle, Moon goes on to draw a helpful extra-literary conclusion from the story. With a kind of eerie remoteness, he writes:

> Like little Morgan and his tutor and the other "small boys" and young men that figure in these texts, we all often find ourselves possessing what seems to be both more knowledge than we can use and less than we need when we try to think about such difficult issues as our own relations to children and young people, including our students....

Comparing James's "The Pupil" to the film *Blue Velvet*, Moon describes Dennis Hopper's brutal beating of Kyle Maclachlan as representing "the two men's desire for each other that the newly

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discovered sadomasochistic bond that unites them induces them to feel." How the Master would have loved that scene! *Midnight Cowboy*, moreover, is not about the shelter of intimacy that the physically crippled Dustin Hoffman and the psychically wounded Jon Voight find with each other away from economic and sexual confusions; it is, says Moon, "a film about how two men can have a meaningful S-M relationship without admitting to being homosexuals." Moon has sadomasochism on the brain; I bet he faints at the slightest whiff of leather.

In *A Small Boy and Others*, the seventy-year-old James writes about how, as a young boy visiting the Louvre, he "felt myself most happily cross that bridge over to Style constituted by the wondrous Galerie d'Apollon ... a prodigious tube or tunnel through which I inhaled little by little, that is again and again, a general sense of glory." Professor Moon has an orals question about this passage: "What's large enough for one to walk through and small enough to take into one's mouth?" And so the young James and his tutor are perhaps having sex. And the older James goes to a Yiddish play on the Lower East Side perhaps because he wants to have sex with the famous Yiddish actor Boris Thomashefsky. And on, and on, and on, and on, and on.

Queer America, I am putting my straight shoulder to the wheel, but I don't like what this is all about. For this cannot be literary criticism, and this cannot be life, and this cannot be sex. When we reduce our lives to "bodies and pleasures," we reduce bodies and pleasures to an ongoing debate about the meaning of our lives. And then we reduce love to work, and work, without the promise and reward of love, to a senseless finality. And the worst of it is that, as the effect of making a physical presence into a cold abstraction, we will start to become indifferent to—or perhaps connoisseurs of—physical pain in other people. Then we will have broken the sympathetic bond between the heart and the flesh. And then the taste of our own lips will be all that we can rely on to summon our erotic past out of distant memory. And then we will all be traveling away from ourselves and each other along a very dark road indeed. Sexualizing all of life takes all of life out of sex. Poor life, poor sex. Good-bye, penises. Good-bye, vaginas. •

Rights Under Fire

BY CASS R. SUNSTEIN

All the Laws but One: Civil Liberties in Wartime by William H. Rehnquist

(Knopf, 254 pp., $26)

The United States declared war against Japan on December 8, 1941. On March 24, 1942, the military commander of the western defense, acting under a grant of authority from President Roosevelt and the Congress, imposed a curfew on all persons of Japanese ancestry living on the West Coast. On May 3, 1942 the same commander issued one of a series of "exclusion orders," requiring all persons of Japanese descent, whether American citizens or not, to leave their homes on the West Coast. Such persons were ordered to report to "Assembly Centers." From these centers, some people were released on the condition that they remain outside the prohibited zone, but most were shipped to "Relocation Centers," which they could not leave without permission of the military commander.

On May 30, 1942, Fred Toyosaburo Korematsu, an American citizen of Japanese descent and unquestioned loyalty to the United States, refused to leave his home, invoking what were, in his view, the protections of the United States Constitution. He was tried and convicted of committing a federal crime. On December 18, 1944, the Supreme Court held that Korematsu's constitutional rights had not been violated, that military necessity justified the relocation of Japanese-Americans.

In times of war, nations generally do not much care about individual rights. And violations of civil liberties in wartime are hardly foreign to the United States. An exasperated Abraham Lincoln, responding to a civil liberties objection to his efforts to protect the nation, wondered whether it would be necessary to allow "all the laws, but one, to go unexecuted, and the government itself to go to pieces, lest that one be violated." Many public officials, not excluding Franklin Delano Roosevelt during World War II, have been similarly exasperated. Thus Francis Biddle, Attorney General in the early 1940s, wrote that he did not "think that the Constitutional difficulty plagued" Roosevelt. Indeed, he concluded, the "Constitution has not greatly bothered any wartime President."

William Rehnquist's book is a historical survey of violations of civil liberties during wartime. The Chief Justice is not someone with a lot of spare time on his hands, but he has produced a dispassionate and lucid book, with some striking themes. At times it seems as if Rehnquist, obviously fascinated by history, wants to explore the facts for their own sake, and his own commentary seems quite spare. Yet he is not a passive reporter, and he has a number of interesting things to say—about the inevitability of judicial caution when stakes are high and political pressures are intense, about the unhelpfulness of civil libertarian platitudes, and (perhaps most important) about some seemingly small steps that courts might take to ensure against the most reckless or ill-considered judgments, from either the executive or the courts.

Rehnquist's principal themes are that the executive should generally be required to act not on its own, but with congressional approval; and that judicial intrusions should be surgical, narrow, and precise. These notions emerge from his sequential discussion of the great conflicts between individual liberty and perceived wartime needs: the Civil War period; World War I; the notorious Japanese internments during World War II; and the almost never-discussed use of martial law in Hawaii in World War II.

Well over half of Rehnquist's book is devoted to the Civil War period, which emerges as by far most catastrophic period for civil liberties in the history of American law. A key moment came in April 1861, after Northern troops, boarding the train from Baltimore to Washington, were mobbed by Confederate sympathizers. Many soldiers and civilians were killed. During the following week, Washington seemed cut off from the rest of the North; troops failed to arrive, ships and messengers did not come, railroads were broken. At this stage Lincoln, fearing the worst, took the unprecedented step of suspending the great writ of habeas corpus along rail routes from the north. That writ, a central guarantor of liberty under Anglo-American law, grants a distinctive right to any person arrested or detained by

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the government. In a nutshell, the right allows any prisoner to go to court to obtain an explanation for the intrusion on personal liberty, and the court is entitled to release the prisoner if the explanation is not good enough.

The writ having been suspended, Northern troops arrested one John Merryman for participating in the destruction of railroad bridges after the Baltimore riot. Merryman contended that Lincoln had acted unlawfully and that he had a right to contest the arrest in ordinary civil courts. Chief Justice Roger Taney—the author, by the way, of the infamous Dred Scott decision, holding that slavery is constitutionally sacrosanct—held that Lincoln had acted unlawfully. Taney concluded that under the Constitution the President could not suspend habeas corpus on his own; Congress had to authorize any such suspension. More dramatically, Taney added that only someone subject to the Articles of War (that is, someone in the military) could be brought to trial before a military commission.

Rehnquist does not take a position on the first issue, but he expresses concern that the second proposition is so "far-reaching"; and he complains that his predecessor as Chief Justice went well beyond what was necessary to vindicate Merryman's claim. What is even more interesting than the legal details is the fact that the Lincoln administration disregarded Taney's decision. And the country did not much object to the disregard.

In August and September 1862, the Lincoln administration again suspended the writ of habeas corpus, but it also went much further. It said that people "discouraging volunteer enlistments, resisting militia drafts, or guilty of any disloyal practice affording aid and comfort to rebels" should be subject to "martial law and liable to trial and punishment by court-martial or military commissions." The Lincoln administration also authorized United States marshals and local police chiefs to arrest and to imprison any person "in any way giving aid and comfort to the enemy."

The ultimate result was the infamous Indianapolis Treason Trials, where the defendants, most prominently Lambdin P. Milligan, were charged with conspiracy against the government of the United States, including a ridiculous and doomed plan to abduct the Governor of Indiana. The big question in the case was whether Milligan and his alleged co-conspirators could be tried in military commissions, which were of course likely not to be neutral and independent in the middle of a war.

Ultimately the Supreme Court ruled that American civilians could not constitutionally be tried in military court even during times of war, if the civil courts were open, as they were in Indiana. Four concurring justices thought that this ruling was far too broad. They would have left the constitutional question undecided and concluded more narrowly that, under the Habeas Corpus Act of 1863, Congress had simply not authorized the trial of civilians in military courts. Rehnquist clearly agrees with the four concurring justices, believing that there was no occasion for the Court to issue a broad ruling about the extent of Congress's powers. As he observes, the Court would come to regret its language in the context of a special military trial ordered by President Roosevelt during World War II; the Court upheld that trial. What emerges from Rehnquist's sober discussion is a pretty damning evaluation of the Lincoln administration's utter disregard for civil liberties, and of the Supreme Court's inability to do much about it. In sum, "Lincoln and his Cabinet chose to suspend the writ of habeas corpus, interfere with freedom of speech and of the press, and try suspected political criminals before military commissions."

In World War I, the most important interferences with civil liberty involved not purely executive action but legislatively authorized restrictions on freedom of speech. In 1917, Congress enacted the Espionage Act. One section of that Act said that "whoever . . . shall wilfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United Sates, or shall wilfully obstruct the recruiting or enlistment service of the United States" would be guilty of a crime. Another section said that any letter or writing "containing any matter advocating or urging treason, insurrection, or forcible resistance to any of the United States, is hereby declared to be nonmailable," and its mailing was deemed a crime.

Were these limitations on free speech acceptable under the First Amendment? The Supreme Court concluded that they were. Justice Oliver Wendell Holmes, writing for the Court in 1919, upheld the conviction of one Charles Schenck, who had been convicted of violating the act by printing and distributing leaflets urging draftees to resist the draft. The Court went so far as to uphold the ban on mailing materials that would tend to obstruct recruitment and enlistment services, even though the ban was applied to bar political magazines that expressed dissenting opinions from the mails. The socialist Eugene Debs, a presidential candidate, was himself convicted of violating the Espionage Act, and the Court upheld his conviction. About this episode Rehnquist writes mostly as a reporter, but he suggests skepticism about the Court's decisions, and he quietly notes that the Wilson administration "proved to have the same instinctive desire to suppress harsh criticism of the war effort as had the Lincoln administration during the Civil War."

The most famous, or most infamous, confrontation between civil liberty and the war-making power stemmed, of course, from the internment of Japanese-Americans during World War II. This confrontation much occupies Rehnquist, who is especially concerned to emphasize that the fear of ethnic Japanese included both the Issei (first generation immigrants who were not citizens under American law) and the Nisei (who were born in the United States and hence American citizens under the Fourteenth Amendment). Many public officials, including Earl Warren himself, called for the involuntary "relocation" of persons of Japanese ancestry (numbering over 100,000) from the possibly vulnerable West Coast to places within the interior of the United States. Eventually the Roosevelt administration came to agree that

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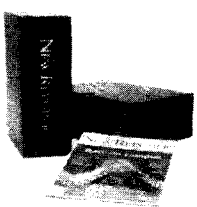

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some kind of relocation was necessary.

It is an understatement to say that the decision has been much criticized, but consider the words of Secretary of War Henry L. Stimson: "What critics ignored was the situation that led to the evacuation. Japanese raids on the West Coast seemed not only possible but probable in the first months of the war, and it was quite impossible to be sure that the raiders would not receive important help from individuals of Japanese origin." The result included the imposition of a curfew on ethnic Japanese, who were then required to report to relocation centers, and ultimately a decision to relocate them to camps in the mountain states and in the interior of California. Rehnquist recounts that "there was no physical brutality, but there were certainly severe hardships—physical removal from the place where one lived, often forced sale of houses and businesses, and harsh living conditions in the spartan quarters of the internment centers."

In the face of constitutional attack, the Supreme Court unanimously upheld the curfew on grounds of military necessity: "We cannot reject as unfounded the judgment of the military authorities and of Congress that there were disloyal members of that population.... We cannot say that the war-making branches of the Government did not have ground for believing that in a critical hour such persons could not readily be isolated and separately dealt with...." And in a remarkable opinion by the great civil libertarian Hugo Black, the Court also upheld the far more severe relocation requirement. The Court reasoned: "There was evidence of disloyalty on the part of some, the military authorities considered that the need for action was great, and time was short." There were a number of separate opinions, the most subtle of them from Justice Robert Jackson, who argued that the Court should neither uphold nor invalidate the exclusion order—but that it should nonetheless release Korematsu from jail. Refusing to evaluate the order itself, Jackson wrote, "How does the Court know whether these orders have a reasonable basis in necessity? No evidence whatever on that subject has been taken by this or any other court.... I do not suggest that the courts should have attempted to interfere with the Army in carrying out its task. But I do not think they may be asked to execute a military expedient that has no place in law under the Constitution."

Modern commentators think that Jackson did not go far enough, and that the relocation order reflected a vicious prejudice that the Court should not have countenanced. Rehnquist offers a more complicated judgment. He thinks that the problem with the modern criticism "is that it lumps together the cases of" the Issei and the Nisei. Insisting that the government must offer a great deal to justify a decision to round people up, even in wartime, he acknowledges that even citizens "may be excluded from sensitive military areas in the absence of a security clearance and may otherwise be denied access to any classified information." But Rehnquist thinks that "it pushes these propositions to an extreme to say that a sizable geographical area, including the residences of many citizens, may be declared off-limits and the residents required to move." Under modern constitutional doctrine, any racial classification requires an extremely powerful justification, which, in Rehnquist's view, the military could not offer here. "It should have taken far more substantial findings to justify this sort of discrimination, even in wartime."

Thus the government violated the constitutional rights of the Nisei. Yet—and here is Rehnquist's original argument—the Issei "were both by tradition and by law in a quite different category." Government can make distinctions between classes of aliens that it cannot make between classes of citizens. Against the conventional wisdom, Rehnquist urges that it was constitutional to treat the Issei differently from enemy aliens of German and Italian citizenship, since the latter were not concentrated near major defense plants, and since on the West Coast "there was the very real fear of attack by Japanese bombers flying from aircraft carriers, if not actual invasion by Japanese ground forces." Thus Rehnquist would apparently uphold the relocation order insofar as it applied to the Issei.

A far less famous abridgment of civil liberties during World War II involved Hawaii, which, a few hours after the attack on Pearl Harbor, was placed under martial law. The writ of habeas corpus was suspended there as well. And military rule in Hawaii was not a short-term affair; it lasted for almost three years. Several citizens, finding themselves under arrest, sought writs of habeas corpus. Invoking Milligan's successful argument during the Civil War, they complained that they had a right to be tried in civilian courts, not military tribunals. The Supreme Court agreed, avoiding any large constitutional question and writing narrowly that no existing law could be taken to authorize the military to supersede the civilian regime in these circumstances. Consistent with his general insistence that executive intrusions must be authorized by the legislature, Rehnquist agrees with the Court's judgment.

The Brief Appearance of the Equable Man

Bells ringing as he pays money, and bells ring
As he walks out of the door through extruded music,
And mindful of horns and sirens, he accepts
The key to salvation from a perfect stranger,
Absorbs the slurs of a red-faced man and grows
Old with a gray woman, obeys the law
For a policeman's benefit, blinks at a blindman,
Waits when signalled to wait, then walks, and breathes
Only his fair share of the exhaustion
And refreshment of the city, conferring life
On mannequins under glass and under more glass
Taking a luncheon menu at face value,
Not pausing to reflect on the final offers
In windows where he shares the sky with clouds,
But revolving with a door into a lobby
To drink from a stainless spring, to leave the ground
On a stairway rising under its own power
Like him to greater heights, to a topless tower
Where he allows himself to be led away
And seated at a table not of his choice,
There to be wined and dined, refraining from smoking.

David Wagoner

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Rehnquist concludes with some general comments about the arc of American history. His basic story is a tribute to the separation of powers and to the system of checks and balances. The Civil War involved unilateral assertions of presidential authority, as Lincoln acted on his own, unaccompanied by congressional support and not much checked by the judiciary; and so he was responsible for the worst abuses. But both World Wars presented a sharp contrast: the executive had explicit legislative authorization to do what it did. There has also been "increasing resort to the courts since the Civil War," and the federal courts in particular have become central to final outcomes. Finally, free speech was heavily regulated during the Civil War, when "the government used a heavy-handed, blunderbuss approach; local agents in the field would seize newspapers and confiscate the presses of those who opposed its policy." In World War I, the government regulated radical criticism, but courts were at least available; and in World War II the government did not even attempt to regulate speech.

In Rehnquist's view, all this shows a "generally ameliorative trend." Still, he insists that "there is some truth to the maxim *Inter arma silent leges*, at least in the purely descriptive sense." This is owed to an inescapable practical fact: "the reluctance of courts to decide a case against the government on an issue of national security during a war." Nor is Rehnquist certain that this reluctance is inappropriate, in view of the extremely high stakes and the lack of judicial knowledge of the underlying problem. Thus he suggests that courts often do best not to decide cases in the heat of battle but to postpone decision until after war has ended, on the theory that civil liberties arguments will receive a more sympathetic hearing after the fact. He insists that the constitutional balance must shift "to some degree" against freedom, and toward order, in the midst of war. But he also applauds the fact that there is "every reason to think that the historic trend against the least justified of the curtailments of civil liberty in wartime will continue in the future."

This book can be read as a solid but unexciting combination of competent history, excellent anecdotes, and sensible if platitudinous commentary on hard issues of constitutional law. But such a judgment would scant the real interest of Rehnquist's discussion. A part of the interest obviously lies in its possible connections with the Chief Justice's judicial work. In his early years on the Court, Rehnquist was by far the most conser-

ROMANTIC POETS, CRITICS, AND OTHER MADMEN

Charles Rosen

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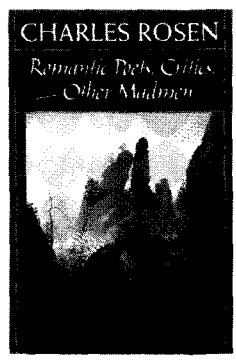

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vative member of the Court, a bit of a firebrand, sometimes described as the "Lone Ranger," offering biting, broad-gauged dissenting opinions taking on whole areas of constitutional law. In the last decade, the Chief Justice has usually struck a different tone, and sometimes written more cautious rulings, highly dependent on the facts of individual cases. Rehnquist wrote a narrow opinion in 1996, for example, striking down a North Carolina redistricting plan designed to increase black voting power; but his opinion was extremely narrow, and offered few broad pronouncements about racial redistricting. And, surprisingly, Rehnquist agreed with the Court's decision to strike down the all-male admissions policy of Virginia Military Institute—but only on the narrow ground that the all-female institution proposed as Virginia's remedy would be "distinctly inferior to the existing men's institution." It was Rehnquist, too, who wrote the Court's opinion upholding the Independent Counsel Act, an opinion that avoided any rigid rule that would govern future separation-of-powers cases. These decisions are in line with the analysis in his new book and with a distinctive tendency in his post-1980 rulings, a tendency toward caution and narrowness when the Court is thrust in the midst of an intense national debate.

Most treatments of civil liberties in wartime fall into one of two camps. For the national security camp, civil liberties are inevitably dampened during wartime. The very survival of the nation, they insist, may depend on such a dampening: in the middle of a war civil liberties, or some of them, are a luxury that even the most democratic nations are unable to afford. For the civil libertarian camp, a war is usually an excuse for repression, having much less to do with real needs than with efforts by panicked, prejudiced, or self-interested officials to insulate themselves from criticism. Civil libertarians insist that democratic imperatives are all the more important in wartime; it is here that the citizenry is properly engaged in deliberating about whether war-making is in fact the appropriate course.

Rehnquist is urging a more complicated and nuanced view, with considerable appeal of its own. It seems to be comprised of four elements. First, courts should generally ensure that any acts of suppression by the executive branch are authorized by the legislature. By itself, this may seem a bit technical, but it is no mere technicality to require that both branches of government are persuaded to abridge liberty. The nature of the national legislature makes it less likely—though certainly not impossible—that abridgements of freedom will occur when they are wholly gratuitous or unnecessary. Thus Rehnquist is proposing something important with his suggestion that the old system of checks and balances should be enlisted on liberty's behalf.

Second, courts should not take ambiguous legislative enactments as sufficient authorization to the executive. Congress must be explicit, crystal clear, if it wants to allow civil liberty to be abridged. Third, courts should insist on a genuine right (though not an absolute right) to engage in political dissent. If the government wants to abridge political speech, it should be required to show that the danger is real and imminent rather than fanciful. Fourth, courts should otherwise tread cautiously. They might refuse to assess liberty claims in the midst of war-making, in part because they might get caught up in the moment and issue decisions that they will come to regret. They should be acutely aware of this risk. Hence any judicial decisions should be narrow and avoid broad pronouncements. Courts should also be reluctant to second-guess plausible military judgments in the middle of a war; the stakes are too high, and the risk of judicial incompetence too great, to allow courts to maintain their ordinary stance.

What is most interesting about Rehnquist's suggestions, taken as a whole, is that they represent an emphatically institutional perspective on individual rights. In this sense, they return to the Constitution's original plan, which was to safeguard rights not mostly by explicit guarantees but by properly designed institutions. With respect to rights in wartime, Rehnquist is arguing on behalf of a genuine system of checks and balances, in which the executive (perhaps the least trustworthy, though likely the most informed, branch of government) is not permitted to do whatever it likes, and is checked by the legislature and also by the judiciary (likely the least informed, though perhaps the most trustworthy). Nor do Rehnquist's suggestions lack practical usefulness. To say that the legislature must authorize executive action, and that courts must be convinced that any abridgements are reasonable, is to provide significant protection against the worst abuses, without at the same time threatening judicial usurpation of government prerogatives in the midst of war.

Rehnquist's proposals would not give civil libertarians as much as they always want and occasionally deserve. In the Korematsu case, for example, Jackson's moderate position seems better than Rehnquist's moderate position. Let us agree, controversially, that no court should enjoin the kinds of quasi-military operations involved in the case. Even with that assumption, would it not be far better for the Court to say, at least after the fact, that both the Issei and the Nisei may not be jailed or otherwise punished for defying the relocation order? More generally, a refusal to adjudicate a claimed violation of liberty during war creates problems of its own, involving interim injustice, which may be quite serious; and Rehnquist does not say what remedy, if any, should be available to the plaintiff after the war has ended. (Apology? restitution? money damages?) There is also a question about how the government might prove, during wartime, that a danger is clear and imminent. May it, or must it, rely on classified materials? How can a court assess these? In any case, it is certainly possible to imagine contexts in which a nation, or a majority of its citizens, swept up in the inevitable passions of war, engages in unjustifiable suppression of civil liberty; in which the legislature authorizes the suppression; and in which courts are justified in acting without timidity.

Rehnquist's principal response to such objections is a practical one. Even if courts are justified in doing this, he believes, they are not likely to be inclined to do so. He may be right, and hence his more limited approach may be the most that we can reasonably expect. And the

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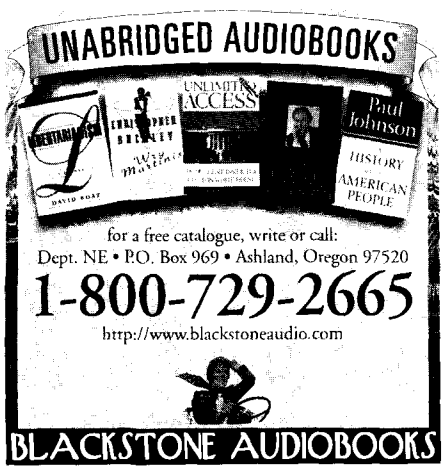

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judicial strategies that he favors are pertinent not only to war-making. They apply in many contexts in which the Court is placed in the middle of a political thicket. Consider the recent court of appeals case invalidating the census for 2000: adopting a technique urged by Rehnquist, the court avoided the big constitutional questions and issued instead a narrow, modest opinion involving an interpretation of a complex statute. His book seems in places like little more than a civics text, but in fact the Chief Justice has put forward the ingredients of a highly original account of the proper role of the Supreme Court, a role that makes most sense in times of war, but that has its attractions whenever the Court is embroiled in great social controversies.

CASS R. SUNSTEIN's new book, *One Case at a Time: Judicial Minimalism on the Supreme Court*, will be published by Harvard University Press this winter.

A Child of the Century

BY DANIEL AARON

Man from Babel
by Eugene Jolas
edited, annotated, and introduced
by Andreas Kramer and Rainer Rumold

(Yale University Press, 326 pp., $30)

Eugene Jolas's extraordinary memoir (he called it "my novel—autobiography—my fact and fiction book") opens with a rhapsodic proem. All of his life, the fabulist and dreamer has been making imaginative voyages to faraway places, experiencing "planetary illuminations," roaming through the "mystery-laden, crooked streets" of "little frontier towns," and seeking "salvation in the ambiance of the cosmological irreality." This yeasty confession lasts only a few pages; the rest of his adventurous history is related in prosier prose. But Jolas cannot repress his pleased astonishment that he has seen and done so much in his lifetime.

For a long time (it is not clear exactly when) Jolas worked intermittently on *Man from Babel*, and he was still tinkering with it when he died unexpectedly in 1952. A few excerpts from it were published, but as late as 1944 Jolas had not decided how to stitch together the segments of his career: his crusade for a world language, his journalistic education, his unceasing crossing of borders, his part in the verbal bombardment of "the Axis war-machine."

At some point in the 1940s he set about recasting his manuscript, which seemed to him full of "interesting material" and "*bad* writing." Andreas Kramer and Rainer Rumold present what they "presume" to be the version of the memoir that Jolas himself would have settled for. How much he invented can only be guessed, but there is no doubt about its "creativeness." The memoir is spattered with obiter dicta, apostrophes, visions, and dreams.

The son of immigrants from Alsace-Lorraine, Jolas was born in New Jersey in 1894. Two years later his family returned to the border town of Forbach, supposedly for a short visit. There the Jolases stayed, because they kept producing additional children and they lacked the means to get back to their adopted country. Jolas was 16 when he returned alone to his birthplace, chiefly to escape being drafted into the "Prussian" army; but he was lured also by his vision of a "distant Wonderland."

He found nothing so exotic. The real United States offered him low-paid jobs, hard living, and loneliness. Still, it also proved to be the land of promise and possibility. In time he learned to speak, to read, and to write in the American vernacular—always for him an emancipating language—as easily as in his father's French and his Rhenish mother's German; but the new language was conscientiously acquired rather than passively absorbed.

Inspired by the example of Joseph Pulitzer, Jolas did manage to fashion himself into his notion of the American Newspaperman, after a baptismal stint in the Army between 1918 and 1920 and an extended apprenticeship in a half-dozen cities, most notably New York. On the New York *Daily News*, he and his mates ("verbal mirrors of the city's explosive

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tumult") searched for a commensurate language, at once "dynamic and brief," to incorporate "the New York logos, with its polyglot intonations, provincial distortions, aggressive neologism and illogical sound-twangs," which would constitute "a sort of advance-guard of a future journalism."

This was the "tabloid style" that Jolas cultivated in postwar France, where in the early 1920s he worked as a reporter and then as the city editor on the Paris edition of Colonel Robert McCormick's *Chicago Tribune*. Gathering material for his weekly column, "Rambles through Literary Paris," brought Jolas into contact with the writers and intellectuals who would appear in *transition*, the international avant-garde magazine that Jolas launched in 1927 to sustain the struggling cause of "new writing" and to print the work of visionary experimenters like himself.

Between 1927 and 1938, this influential publication was a confluence of cultural streams—Dada, Surrealism, Expressionism, Verticalism, and the like—and a "workshop" for psychic and linguistic experiments. Its "main objective," Jolas said, was to transform the "real" by an infusion of new words, myths, abstractions, hieroglyphics, and symbols. He pictured himself and his fellow experimenters as "rebels against everything that did not participate in flights of wild, burning imagination" and as "Romantics of the twentieth century launched on voyages of discovery."

In *Man from Babel*, Jolas relives these days with verve, astonished that his journal "was being discussed, criticized, vilified, admired" around the globe and amused by the violence his "mad effort" had provoked. He does less than justice to his workaday reportage, and to the good sense and the critical acumen that he displayed in selecting his contributors. Dougald McMillan's exemplary study, *transition: The History of a Literary Era, 1927-1938*, which appeared in 1976, is a sounder evaluation of this achievement than Jolas's own spasmodic account.

The distinctive features of Jolas's memoir are not his anecdotes about the all-too-familiar figures of literary Paris between the wars; not the glimpses of Hemingway, of Gertrude Stein (rather acidly depicted), of the Fitzgeralds and their claque, of Samuel Beckett, Hart Crane, and Dylan Thomas; not the overgenerous interpolations of his unmemorable verse; not even his unfolding plan to report "the main intellectual movements of the continent" to the Anglophone world and to introduce Europeans to American and English literature. What is genuinely novel and interesting is the story behind the story: a gifted but hobbled magazine editor finds an outlet for his tastes and his visions and his theories in writers in whom he detects aspects of himself. Blake, Novalis, Rimbaud, and the Surrealists belong to that select company. So do Kafka (Jolas was the first to translate him into English) and, above all others, Joyce, whose *Finnegans Wake* made its debut in *transition* as "Work in Progress."

Jolas's Joyce was a preternatural figure, a man pitilessly indifferent to events beyond his small circle but delicately solicitous of his favored few. Modestly and tactfully, Jolas played down his essential role in publishing and promoting Joyce's bewildering nocturnal novel just when many old Joyceans were pronouncing it unintelligible. (Pound declared that it reminded him of "some venereal disease.") Jolas, on the contrary, felt privileged to serve as the promulgator of such a stupendously learned and artistic work. Uncomplainingly he put up with Joyce's last-minute changes that drove *transition*'s printers crazy.

Jolas cherished Joyce as a powerful ally in the great quest for a new style and as a purveyor of "unconscious experiences of dreams, daydreams and hypnogogic hallucinations." They disagreed, though, on the possibility of "linguistic alchemy." Joyce was more reluctant than Jolas to see any transcendental function in dreams; and Jolas did not share what he called his friend's "almost physical loathing for anything connected with politics," although for a decade he himself had been more preoccupied with the "revolution of the word" than with social revolution. By the mid-1930s, Jolas no longer thought it right for a writer to remain aloof from his times.

While he was dining with the Joyces on the Swiss-German border in 1933, a group of Hitler Youth made a nuisance of themselves and spoiled what had been an idyllic occasion. "Did you get that whiff from Boeotia?" Joyce whispered to him. Since adolescence Jolas had felt the tug between his French and German heritage, culturally and politically, and he had tried, in the words of Kramer and Rumold, "to create a supranational artistic community in a climate of national reconciliation." But the literary experiments intended in part to hasten that ecumenical end were "throttled," Jolas wrote, "by the slave theory of a militaristic hegemony." A strong anti-German strain pervades *Man from Babel*. His "Prussian" school masters in Forbach are "Teutons of the military type, gruff, pedantic, ponderous, tyrannical"; the Germany of Hitler is ruled by thugs.

The last third of the memoir is given over to the war and to the post-war years when Jolas was conducting what amounted to a private campaign to extirpate the Nazi spirit. Assigned to the Office of War Information after Pearl Harbor, he was in London on the eve of the Allied invasion and he followed closely behind the Omaha Beach landing as a member of the contingent dispatched to de-Nazify the German press. He zealously carried out his assignment, more convinced than ever that he was confronting a deep-rooted national contagion.

The four years that Jolas spent setting up new German-language newspapers and monitoring established ones quickened the long-harbored resentments against Germany and the Germans that he had never quite suppressed. He was much too close to the war and its aftermath to reflect on it with detachment. The man from Babel came to suspect every German, whatever his or her

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disclaimers, of being complicitous in the crimes of the nation. Particularly disturbing was his growing suspicion that the Romantic poets and thinkers, the ones he most revered, bore at least some responsibility for the anti-Semitism and "Pan-Germanic dementia" of the Third Reich. Journalists and writers, such as Gottfried Benn, who claimed to have emigrated "inwardly" from Hitler's Germany (though their books were not banned by his censors), and who weakly extenuated their "double lives," were dismissed by Jolas with contempt.

This was the period of the Nuremberg trials, when the Allied authorities were making imprecise distinctions between "good" and "bad" Germans. To Jolas, the distinction was obvious. "Bad" Germans were self-seeking cynics. They oozed self-pity. Their postwar writing struck him as thin and imitative, a mix of "old-fashioned naturalism and modern existentialism," much of it "tinged with Nazi or Communist ideas and words." Young Germans were reading the "sinister" Heidegger and the "brilliant but confused novelist Ernst Jünger." Such were his thoughts as he took on one of his last official jobs: broadcasting daily reports from the United Nations headquarters in Paris to Germany on the Berlin blockade and replying to the "vitriolic diatribes" of the Soviet delegate, A.Y. Vyshinsky. Jolas accused the Stalinists of "diabolical semantic distortions," of using "the malady of language pragmatically for their own ends"; but he formed no ties with anti-Stalinist intellectuals. Instead, the "democratic newspaperman" chose to subvert Soviet domination by seeking "new grammatical and lexical relationships."

The short epilogue to *Man from Babel* is somber but not despairing. True enough, the "malady of language" had not been cured by a semantic revolution or by the verbal experiments that he and his fellow poets had conducted so lightheartedly. Still, the situation was not hopeless. The shifting of populations during the "apocalyptic decade" had hastened the prospect of a "big" international language spreading out from its American core. Seven hundred million people were already English speakers. Of course, English would never supplant other national tongues, whose "essence," he prophesied, would eventually "flow into the thundering ocean of the language of the future." On this note, once intoned by Melville and Whitman, Eugene Jolas's amazing, high-flown odyssey majestically concludes.

DANIEL AARON is emeritus professor of English at Harvard University.

TRB *continued from page 7*

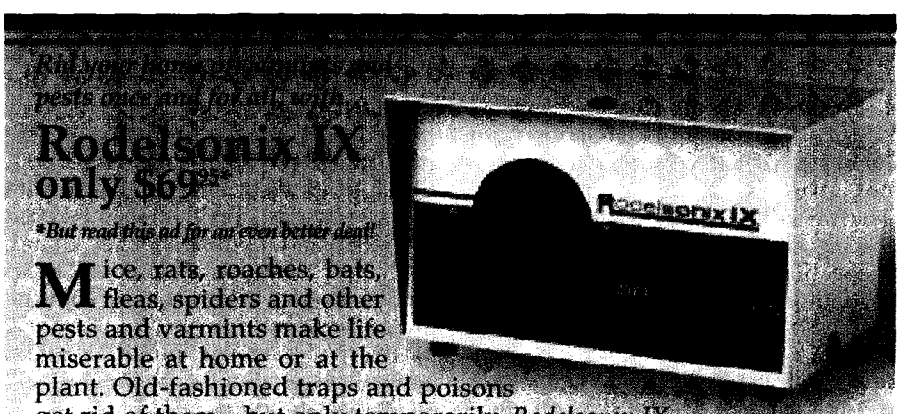
And all of this is not to mention the fact that the world's governments continue to do diplomatic business with men who have as much, or more, blood on their hands than Pinochet does: Cuba's Fidel Castro, North Korea's Kim Jong Il, and Yugoslavia's Slobodan Milosevic, just to name a few.

To be sure, Bulgaria did try former dictator Todor Zhivkov for corruption. Argentina convicted its former military rulers (and then later pardoned them). South Korea tried two former presidents, sentencing one to death and one to a long imprisonment for the excesses of authoritarian rule in that country. (The sentences were ultimately commuted.) But these are exceptions that prove the rule.

There is one good reason for the lack of punishment of past human rights violators and one bad reason. The good reason is that amnesty for official wrongdoers is often the price for getting them to step down. This was the case not only in Chile but also in South Africa and El Salvador. Each society, given the opportunity to debate the issue, formed a consensus that this was a reasonable trade-off—especially since, in all three cases, the amnesty was accompanied by an official "truth commission" investigation that at least established culpability for the worst crimes. One reason the Chilean government now is fighting to free Pinochet is that his arrest breaks that deal and, accordingly, could threaten Chile's democratic transition. It might also set a precedent that would discourage future authoritarian rulers from negotiating peaceful exits. If there's a convincing answer to this argument, I haven't heard the human rights groups make it.

The bad reason for the world's failure to hold dictators and war criminals accountable is, simply, that most governments prefer to do business with them—or are afraid to take the risks involved in pursuing them. France's government, for example, has been both friendly to Saddam Hussein and loud in its praise of the Pinochet arrest. But the French recently turned down Pinochet's request to visit Paris for fear of having to deal with the diplomatic hassles that an extradition request from Spain would entail. Perhaps the arrest of Pinochet is indeed an occasion to celebrate a new seriousness in the world's attitude toward human rights violators. But it is also an occasion to reflect on how inconsistent the international community's commitment to its professed norms has been and still is.

CHARLES LANE



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Shrunken

Senator Ferguson: Had you ever seen this one before at Buchenwald?
Dr. Sitte: This man? I saw him before he was hanged.
Senator Ferguson: Before he was hanged?
Dr. Sitte: Yes.
Senator Ferguson: You saw him before he was hanged, alive?
Dr. Sitte: Yes. These two prisoners were Polish prisoners who managed to escape I think late 1939 or 1940.
Senator Ferguson: But you had seen him as a live man?
Dr. Sitte: Yes, and only these two prisoners were brought back and exhibited on the place and it was said that these were captured again and brought back and they were beaten first of all in public and then *they were brought to the crematorium* where later, some of these ... people who escaped were publicly hanged. These were not publicly hanged.
Senator Ferguson: But that man, you had seen him when he was alive?
Dr. Sitte: Yes.

THIS EXCHANGE, BETWEEN HOMER Ferguson, Republican of Michigan, and Kurt Sitte, a doctor who had worked in the "pathological laboratory" in Buchenwald, where he was an inmate, took place at a Senate hearing on December 8, 1948. The subject of the hearing was the startling reduction of the life sentence of Ilse Koch, the she-demon who was the wife of the commandant of the camp, to four years. The subcommittee was shown a particularly revolting relic of Koch's hell known as "the shrunken head of Buchenwald," the head of a prisoner that had been reduced to the size of a fist by removing the skull bones, and displayed in what Sitte called "the collection at Buchenwald." (The head was introduced in evidence at Nuremberg, and it has now disappeared.) The transcript of the senator's exchange with the doctor is the record of a mind recoiling from savagery.

I TAKE THIS CHILLING SCENE FROM the recent issue of *Representations*, where a professor at Amherst named Lawrence Douglas has published a deeply unsettling paper on the history of the obscene object, which he calls "an icon of atrocity." But the paper unsettles for more than the obvious reason. "It is as if one entered the British Museum and recognized the Lindow Man as a missing relative," the professor observes, in a footnote, about the senator's incredulity. Indeed, "We are reminded that the logic of display is predicated on temporal and geographic displacement that guarantees strict anonymity." We are reminded? No, he is reminded. We find the professor's gloss peculiar, or worse. For it concludes with this remark, in parentheses: "And here one thinks, however unwittingly, of the scene in *Planet of the Apes* in which the character played by Charlton Heston finds his friend and fellow astronaut in a museum—stuffed and mounted." Not unwittingly enough, I'm afraid. Surely there is no similarity between the shrunken head of Buchenwald and the eyeless mannequin of the Hollywood dystopia that is as consequential as the difference between them. With this stupid sentence, the professor has not only provided further proof of the reality of unreality in America. (Around the time that this paper appeared, America was learning that the Second World War was not really like *The Longest Day* but really like *Saving Private Ryan*.) He has also exposed the poverty of one of the premises of the contemporary study of culture, which is that culture is basically what there is. Against the impatience of idealists and materialists with representations, which they construed as trivial and epiphenomenal things, "the New Historicism" and (in a degraded version, which is often indistinguishable from the cheerful slumming of the pop-academic mind) "cultural studies" insist upon the ontological and analytical importance of interpretations and images. Which is fine, except that the study of these human expressions has turned into a wanton carnival of signifiers, a vast leveling game of patterns and associations. Does the monstrous taxidermy of the Nazis in 1940 remind you of the monstrous taxidermy of the apes in 3978? Well, then, say so; have the courage of your iconography, double-space throughout, and include a file of the document on a 3.5-inch diskette. But those of us who harvest distinctions for food will prefer the senator's unclever shock, and the sudden disabling of his imagination.

EVERYWHERE I LOOK, THERE IS the horror. In *New York* magazine, another organ of representations, I find this in an obituary article about a parvenu named Glenn Bernbaum, who created Mortimer's, which was for two decades the single most obnoxious room in Manhattan:

> Yet four years ago, when Blaine Trump ran into Bernbaum in a hotel lobby in Warsaw and mentioned she wanted to visit Auschwitz, he was eager to accompany her. "We both just wept as we walked through the camps," she says. "He could show such immense vulnerability and sympathy." By then, perhaps, he'd reached a point in his life where he could confront the Holocaust and his own Jewish identity, particularly in the safe company of a much-admired reigning member of New York's WASP aristocracy.

I have long known that only the best people go to Auschwitz. No wonder Glenn was affected. Maybe he even started giving Jews tables in the front, in memory of the six million.

"AS *THE CHILD* of Holocaust survivors...." A little while ago this locution appeared in these pages in a letter to the editor from Morton Klein, the president of the Zionist Organization of America, who loves Israel more than anybody and yields to nobody in his hunger for a true and lasting peace with the Palestinians. It was as the child of Holocaust survivors that Klein was expressing his satisfaction that his efforts to repeal John Roth's appointment as director of studies at the Holocaust Museum had succeeded. This is the exemplary locution of multicultural America, the highest rank that you can pull in a culture of victimhood. But what special authority, really, do the sons and daughters of the wretched possess? We are not victims. Our parents were victims. We are merely American Jews, the brats of Jewish history. Now, I happen to think that the campaign of Morton Klein and his fax machine against the Rabin-Arafat accords has been an exercise in moral and historical mischief, a terrible diversion of American-Jewish anxiety away from the most substantial threats to Israeli security, which do not come from Palestine. If I think this as the child of Holocaust survivors, am I right? Of course not. Even my views about the Holocaust gain nothing from the fact that I was weaned on it. Pathos makes nothing true. As the child of Holocaust survivors, however, I will not miss Mortimer's.

LEON WIESELTIER

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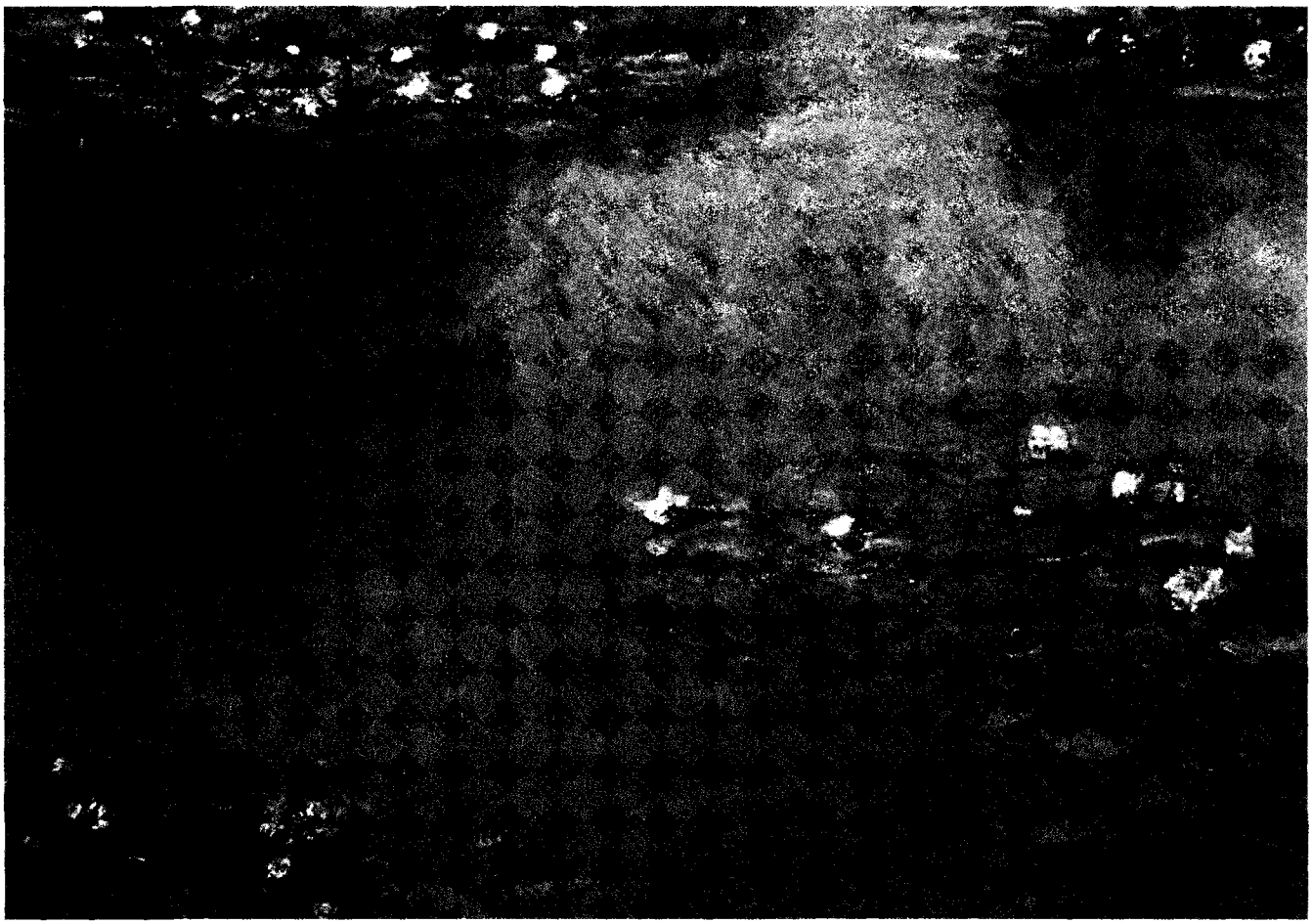

Claude Monet *Water lilies II* (detail), 1907 Oil on canvas MFA Bequest of Alexander Cochrane

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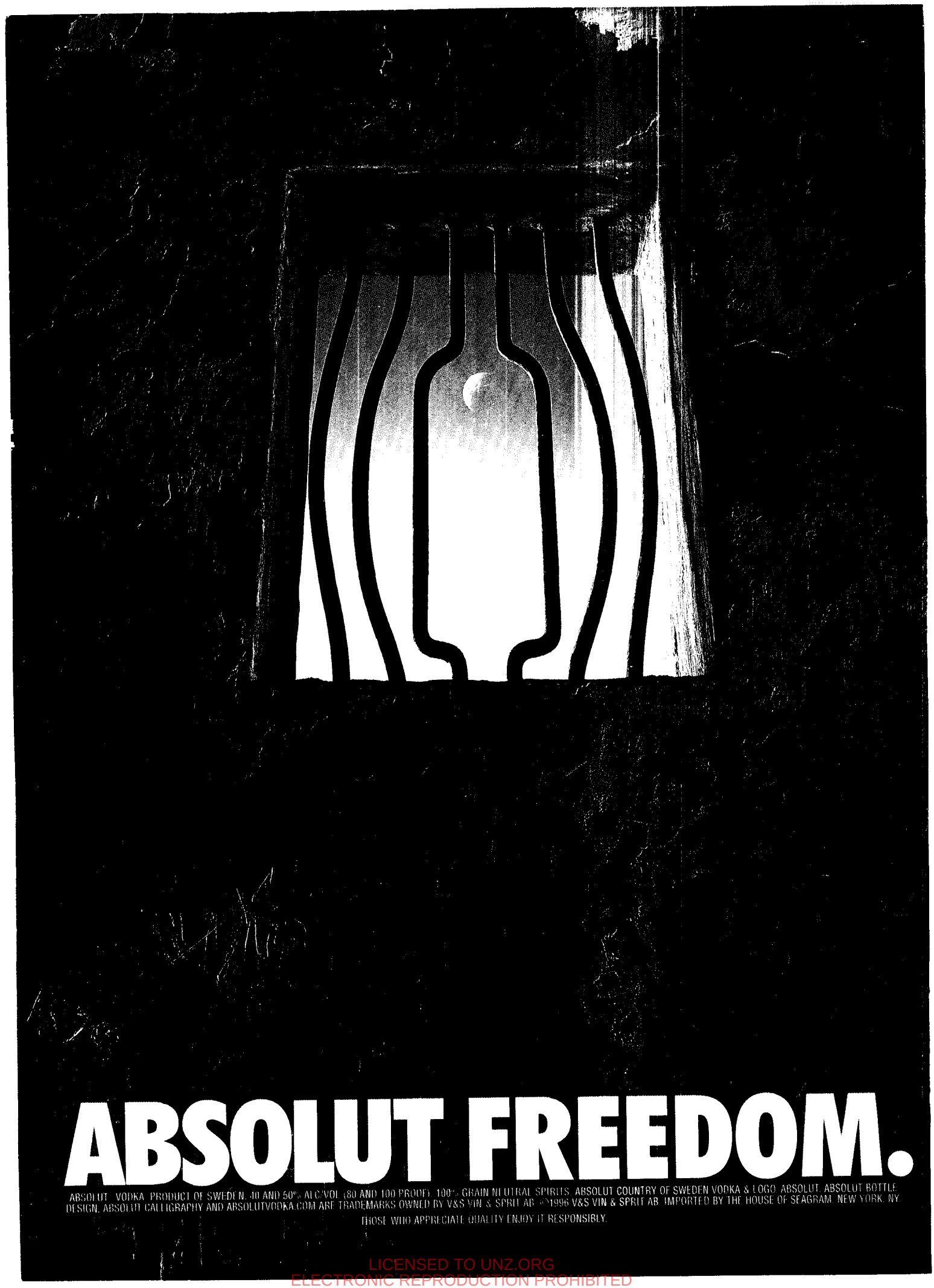
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